

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

**ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS**

**Planning & Development
DIVISION**

**Planning & Zoning COMMITTEE: 15 June 2021
DATE**

**PUBLIC SESSION: 15 June 2021
DATE**

ITEM (CHECK ONE)

☐ ORDINANCE ☐ CONDEMNATIONS ☐ GRANT ACCEPTANCE / AMENDMENT
☒ RESOLUTION ☐ GRANT APPLICATION ☐ REQUEST FOR PUBLIC HEARING
☐ OTHER: _____

ITEM DESCRIPTION: A resolution approving an amendment to a planned residential development to permit multifamily housing

CASE NUMBER: PD 21-9

DEVELOPMENT: Tanglewood Place Planned Development

LOCATION: 795 Tanglewood Street and one adjacent parcel

COUNCIL DISTRICTS: District 4 and Super District 8

OWNER/APPLICANT: Ella Residential, LLC, and WO SFR, LLC

REPRESENTATIVE: Tim McCaskill of McCaskill and Associates

EXISTING ZONING: Residential – 6 and Residential – 6 (Historic)

REQUEST: Amendment to a planned residential development to permit multifamily housing

AREA: 1.2 acres

RECOMMENDATION: The Division of Planning and Development recommended *Approval with conditions*
The Land Use Control Board recommended *Approval with conditions*

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
13 May 2020 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
_____ (2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____ AMOUNT OF EXPENDITURE
\$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
\$ _____ CIP PROJECT # _____
\$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE

POSITION

MUNICIPAL PLANNER

DEPUTY ADMINISTRATOR

ADMINISTRATOR

DIRECTOR (JOINT APPROVAL)

COMPTROLLER

FINANCE DIRECTOR

CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

PD 21-9 – Tanglewood Place Planned Development

Resolution approving an amendment to a planned residential development to permit multifamily housing at 795 Tanglewood Street and one adjacent parcel:

- This item is a resolution approving the above;
- The Division of Planning and Development sponsors this resolution at the request of the owners/applicants: Ella Residential, LLC, and WO SFR, LLC; and Representative: Tim McCaskill of McCaskill and Associates, Inc.; and
- This resolution, if approved, will supersede the existing planned development outline plan conditions.

RESOLUTION APPROVING AN AMENDMENT TO THE TANGLEWOOD PLACE PLANNED DEVELOPMENT AT 795 TANGLEWOOD STREET AND ONE ADJACENT PARCEL, KNOWN AS PD 21-9.

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated 10 August 2010, authorizes the Council of the City of Memphis to grant a planned development for certain stated purposes in the various zoning districts; and

WHEREAS, Ella Residential, LLC, and WO SFR, LLC, filed an application with the Memphis and Shelby County Division of Planning and Development to amend a planned residential development to permit multifamily housing; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with procedures, objectives, and standards for planned developments as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and the consistency of its design and amenities with the public interest; and has submitted its findings concerning the above considerations and recommendation to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on 13 May 2021, and said Board has submitted its recommendation of approval to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit, and said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a planned development amendment is hereby granted as shown on the following pages.

BE IT FURTHER RESOLVED, that the requirements of said aforementioned section of the Unified Development Code shall be deemed to have been complied with; that the outline plan shall bind the applicant, owner, mortgagee, if any, and the legislative body with respect to the contents of said plan; and the applicant and/or owner may file a final plan in accordance with said outline plan and the provisions of Section 9.6.11 of the Unified Development Code.

Amended Outline Plan Conditions

- I. Permitted Uses
 - A. Uses shall be permitted as if zoned Residential Urban – 2, with the following exception:
 - 1. No short-term rental housing shall be permitted.
- II. Building Envelope Standards
 - A. No driveway shall be constructed along the rear property line of a lot adjacent to this development.
 - B. No lot shall be permitted individual vehicular street access. Street-facing garages shall not be permitted.
 - C. The maximum height shall be 30 feet.
 - D. There shall be no minimum lot area.
 - E. The minimum lot width shall be 40 feet.
 - F. Setbacks
 - 1. The minimum setbacks shall be:
 - a. Front: 15 feet.
 - i. Unenclosed porches may encroach up to 8 feet into the front setback.
 - b. Side (interior): 5 feet.
 - i. The easternmost lot with Elzey frontage shall have an eastern side setback of 10 feet.
 - c. Side (street): 10 feet.
 - d. Rear: 15 feet.
 - i. Garages – either detached or attached – may encroach into the rear setback provided they are sited exactly 5 feet from the rear property line.
 - G. Curb and gutter are required along all adjacent streets.
 - H. Front porches with a minimum depth of 8 feet shall be required.
 - I. The finished ground floor shall be raised a minimum of 18 inches above the top of grade.
 - J. Every dwelling unit shall have access to a functional, street-facing primary entrance. Such entrances should be shared by multiple dwelling units.
- III. General Development Standards
 - A. Streetscaping and Landscaping
 - 1. A modified S-13, S-14, or S-15 streetscape plate, including curb and gutter, shall be installed along the site's Elzey and Tanglewood frontages, subject to approval of the Zoning Administrator.
 - a. Additionally, the Zoning Administrator may require that the developer install a similar streetscape plate on Tanglewood between the site's frontage and Saulsbury.
 - b. A valley gutter shall not satisfy the street curb requirement.
 - c. The streetscape plates that are along the site's frontages shall either may be dedicated as right-of-way or overlaid with perpetual and general public access easements, as needed, subject to the approval of the Zoning Administrator.
 - d. Sidewalks may be required to be repaired, as well as unused curb cuts closed with the appropriate streetscape plate.
 - 2. The landscaping shall emphasize native plants.
 - 3. Fencing and Walls

a. Fencing and walls shall be subject to the Midtown District fencing standards.

b. Any existing chain link shall be removed.

4. No vehicular access gates shall be permitted.

B. If any common open space is provided, a property owners' association shall be required to own and maintain said land. Any such association shall be created concurrently with the recording of a final plan.

IV. Infrastructure and Public Improvements

A. The developer shall resolve the existing Elzey dead-end, by providing either a turn-around or egress to Tanglewood, subject to the approval of the Zoning Administrator.

1. In either scenario, the provision of a perpetual and general public access easement may be required by the Zoning Administrator.

B. Overhead utility poles shall not be permitted, unless otherwise approved by both Memphis Light, Gas, and Water, and the Zoning Administrator.

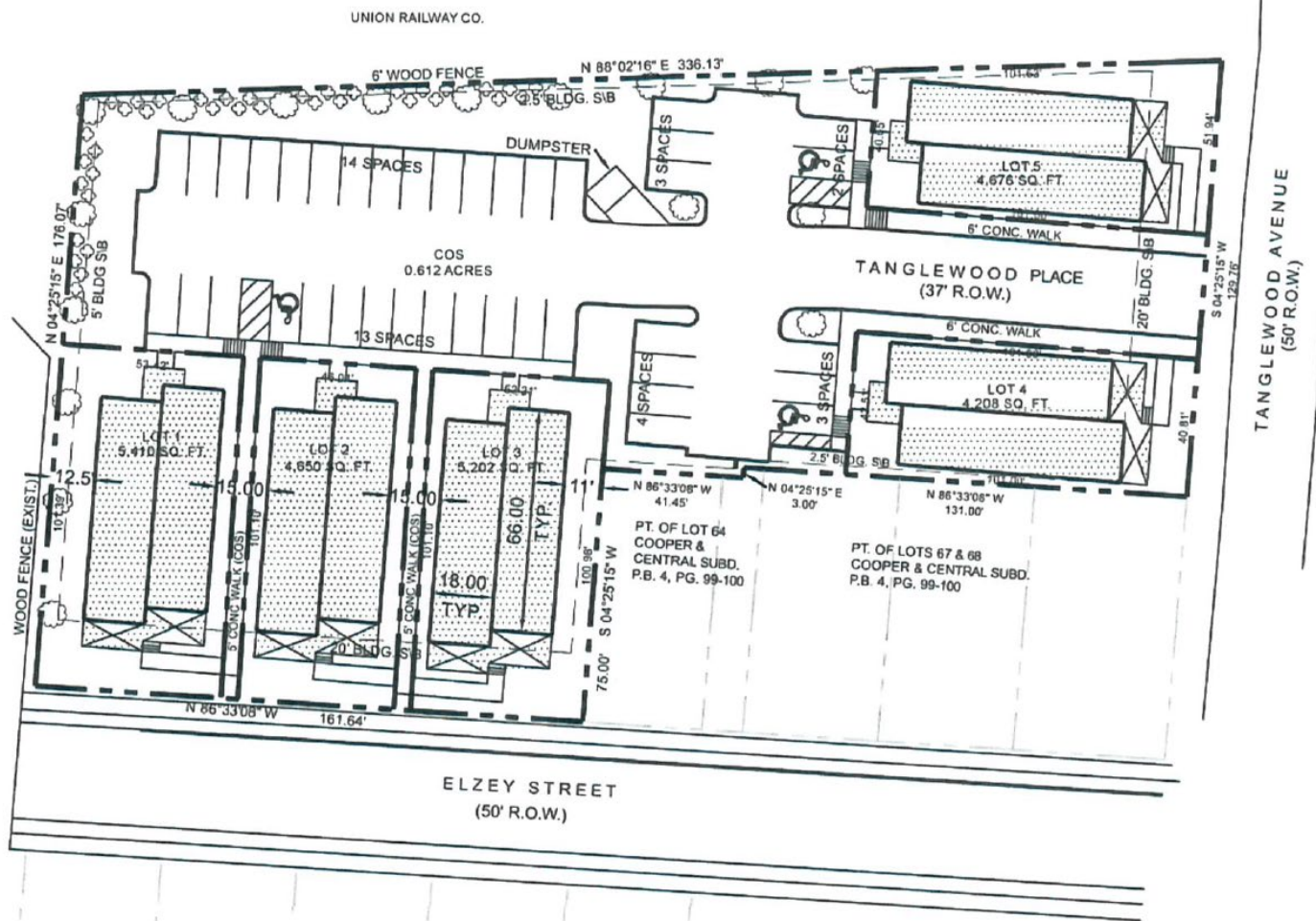
V. Miscellaneous

A. Where the outline plan conditions and the Unified Development Code conflict, the former shall apply. Otherwise, all standards of the Unified Development Code shall apply.

B. Any construction within the Cooper-Young Historic District shall be subject to the approval of the Landmarks Commission in accordance with the Cooper-Young Historic District design guidelines.

C. If the railroad right-of-way to the north of the site is acquired by the developer, said acquired land may be incorporated into this planned development, subject to approval of a major modification by the Land Use Control Board.

PROPOSED CONCEPTUAL SITE PLAN



ATTEST:

CC: Division of Planning and Development
 – Land Use and Development Services
 – Construction Code Enforcement

LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 13 May 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	PD 21-9
DEVELOPMENT:	Tanglewood Place Planned Development
LOCATION:	795 Tanglewood Street and one adjacent parcel
COUNCIL DISTRICT(S):	District 4 and Super District 8
OWNERS/APPLICANTS:	Ella Residential, LLC, and WO SFR, LLC
REPRESENTATIVE:	Tim McCaskill of McCaskill and Associates, Inc.
REQUEST:	Amendment to a planned residential development to permit multifamily housing
EXISTING ZONING:	Residential – 6 and Residential – 6 (Historic)
AREA:	1.2 acres

The following spoke in support of the application: Tim McCaskill

The following spoke in opposition to the application: Olivia Wall

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend ***approval*** of the changes to the outline plan conditions as shown on the following pages.

The motion passed by a vote of 7-2.

Outline Plan Conditions

Approved deletions are emboldened and struck through, whereas approved additions are emboldened and underlined.

- I. Permitted Uses
 - A. Uses shall be permitted as if zoned Residential ~~–6 Urban – 2~~, with the following exception:
 1. No short-term rental housing shall be permitted.
- II. Building Envelope Standards
 - ~~A. Reverse frontage lots shall not be permitted, and no street shall be constructed that would cause an adjacent lot to have a reverse frontage. No driveway shall be constructed along the rear property line of a lot adjacent to this development.~~
 - ~~B. Every lot shall have rear vehicular access only. The Zoning Administrator may grant an exception for a corner lot to have side street vehicular access. No lot shall be permitted individual vehicular street access. Street-facing garages shall not be permitted.~~
 - ~~C. Building Height~~ The maximum height shall be 30 feet.
 - ~~1. The maximum height shall be 30 feet.~~
 - ~~2. The maximum number of stories shall be 1.5.~~
 - D. There shall be no minimum lot area.
 - ~~E. Lot Width~~ The minimum lot width shall be 40 feet.
 - ~~1. The minimum lot width shall be 40 feet for lots with Elzey frontage.~~
 - ~~2. Otherwise, the minimum lot width shall be 25 feet.~~
 - F. Setbacks
 1. The minimum setbacks shall be:
 - a. Front: 15 feet.
 - i. Unenclosed porches may encroach up to 8 feet into the front setback.
 - b. Side (interior): ~~2.5~~ 5 feet.
 - i. The easternmost lot with Elzey frontage shall have an eastern side setback of 10 feet.
 - c. Side (street): 10 feet.
 - d. Rear: 15 feet.
 - i. Garages – either detached or attached – may encroach into the rear setback provided they are sited exactly 5 feet from the rear property line.
 - G. Curb and gutter are required along all adjacent ~~and proposed~~ streets.
 - H. Front porches with a minimum ~~of~~ depth of 8 feet shall be required.
 - I. The finished ground floor shall be raised a minimum of 18 inches above the top of grade.
 - J. Every dwelling unit shall have access to a functional, street-facing primary entrance. Such entrances should be shared by multiple dwelling units.
- III. General Development Standards
 - A. Streetscaping and Landscaping
 1. A modified S-13, S-14, or S-15 streetscape plate, including curb and gutter, shall be installed along ~~the south of the east-west segment and the east of the north-south segment of the proposed street, as well as along~~ the site's Elzey and Tanglewood frontages, subject to approval of the Zoning Administrator.

- a. Additionally, the Zoning Administrator may require that the developer install a similar streetscape plate on Tanglewood between the site's frontage and Saulsbury.
- b. A valley gutter shall not satisfy the street curb requirement.
- c. The streetscape plates that are along the site's frontages shall either ~~may~~ be dedicated as right-of-way or overlaid with perpetual and general public access easements, as needed, subject to the approval of the Zoning Administrator.
- d. Sidewalks may be required to be repaired, as well as unused curb cuts closed with the appropriate streetscape plate.
- ~~2. A landscape area with a minimum width of 4.5 feet shall be installed along the north of the east-west segment and the west of the north-south segment of the proposed street.~~
- 3. The landscaping shall emphasize native plants.
- 4. Fencing and Walls
 - a. Fencing and walls shall be subject to the Midtown District fencing standards.
 - b. Any existing chain link shall be removed.
- 5. No vehicular access gates shall be permitted.
- B. If any common open space is provided, a property owners' association shall be required to own and maintain said land. Any such association shall be created concurrently with the recording of a final plan.

IV. Infrastructure and Public Improvements

- ~~A. No dead-end alleys or streets shall be permitted. The developer shall resolve the existing Elzey dead-end, by providing either a turn-around or egress to Tanglewood, subject to the approval of the Zoning Administrator.~~
- ~~1. In either scenario, the provision of a perpetual and general public access easement may be required by the Zoning Administrator.~~
- ~~B. A street shall be improved and dedicated along the western and northern perimeters of the site.~~
 - ~~1. The street shall have a maximum width of 28 feet, as measured from curb back to curb back. This width is meant to provide for two parking lanes and one shared travel lane, and may be reduced if parking is eliminated, subject to approval of the Zoning Administrator.~~
- ~~C. An alley shall be improved and dedicated that provides rear vehicular access to all proposed lots.~~
 - ~~1. The alley shall have a 14 foot travel lane and a minimum right-of-way of 22 feet.~~
- ~~D. The developer may choose not to dedicate the street and/or alley, provided the following standards are met:~~
 - ~~1. The street and/or alley shall be overlaid with a perpetual and general public access easement. The alley shall be accessible to all adjacent Elzey lots.~~
 - ~~2. No gates shall be permitted.~~
 - ~~3. All City standards for streets and alleys shall be met. A valley gutter shall not satisfy the street curb requirement.~~
- E. Overhead utility poles shall not be permitted, unless otherwise approved by both Memphis Light, Gas, and Water, and the Zoning Administrator.

V. Miscellaneous

- A. Where the outline plan conditions and the Unified Development Code conflict, the former shall apply. Otherwise, all standards of the Unified Development Code shall apply.
- B. ~~All~~ **Any** construction **within the Cooper-Young Historic District** shall be subject to the approval of the Landmarks Commission in accordance with the Cooper-Young Historic District design guidelines.
- C. If the railroad right-of-way to the north of the site is acquired by the developer, said acquired land may be incorporated into this planned development, subject to approval of **a major modification by the Zoning Administrator Land Use Control Board**.
 - a. ~~In this event, the proposed street should be shifted to the north. The site should be configured in such a way that the proposed street coheres with Saulsbury.~~

AGENDA ITEM: 6

CASE NUMBER: PD 21-9 **L.U.C.B. MEETING:** 13 May 2021

DEVELOPMENT: Tanglewood Place Planned Development

LOCATION: 795 Tanglewood Street and one adjacent parcel

COUNCIL DISTRICT: District 4 and Super District 8

OWNER/APPLICANT: Ella Residential, LLC, and WO SFR, LLC

REPRESENTATIVE: Tim McCaskill of McCaskill and Associates, Inc.

REQUEST: Amendment to a planned residential development to permit multifamily housing

AREA: 1.2 acres

EXISTING ZONING: Residential – 6 and Residential – 6 (Historic)

CONCLUSIONS (p. 24)

- In January 2021, the Memphis City Council granted the applicant a special use permit for a planned residential development on a 1.2-acre site near the intersection of Elzey and Tanglewood in Cooper-Young. The approved plan consists of approximately 11 single-family homes with reduced minimum lot size and building setbacks, oriented around a new street and alley. No outline plan or final plan has been recorded.
- Following that approval, the applicant decided instead to pursue a multifamily development concept. The new proposal consists of approximately five large homes (a type of small apartment building), each with four dwelling units, for a total of 20 dwelling units. All five structures would front either Tanglewood and Elzey; no street or alley construction is now proposed. As proposed, the dwelling units would share a parking lot accessed from Tanglewood.
- Because this land is zoned for single-family residential uses, this proposal will require a planned development amendment subject to Council approval. If rejected, the previous approval would stand. If approved, the previous approval would be superseded.

CONSISTENCY WITH MEMPHIS 3.0 (pp. 30-32)

Per the Department of Comprehensive Planning, this proposal is **consistent** with the Memphis 3.0 General Plan.

RECOMMENDATION (pp. 24-26)

Approval with outline plan conditions

GENERAL INFORMATION

Street Frontage:	Elzey Avenue	(Local Street)	162 linear feet
	Tanglewood Street	(Local Street)	130 linear feet
Zoning Atlas Page:	2035		
Parcel ID:	031130 00003C and 031130 00010		
Existing Zoning:	Residential – 6 and Residential – 6 (Historic)		

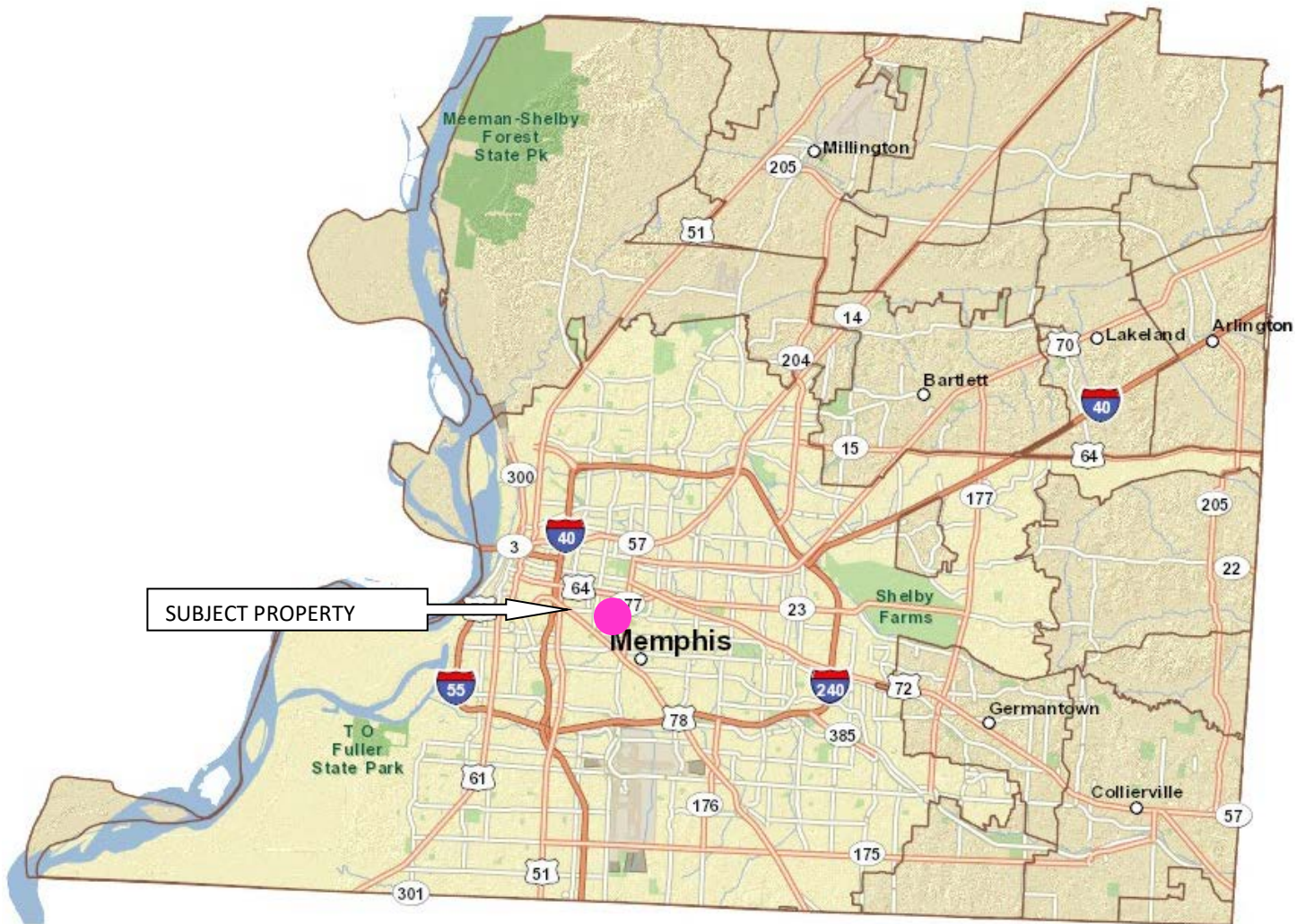
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 5:30 p.m. on 29 March 2021 via Zoom.

PUBLIC NOTICE

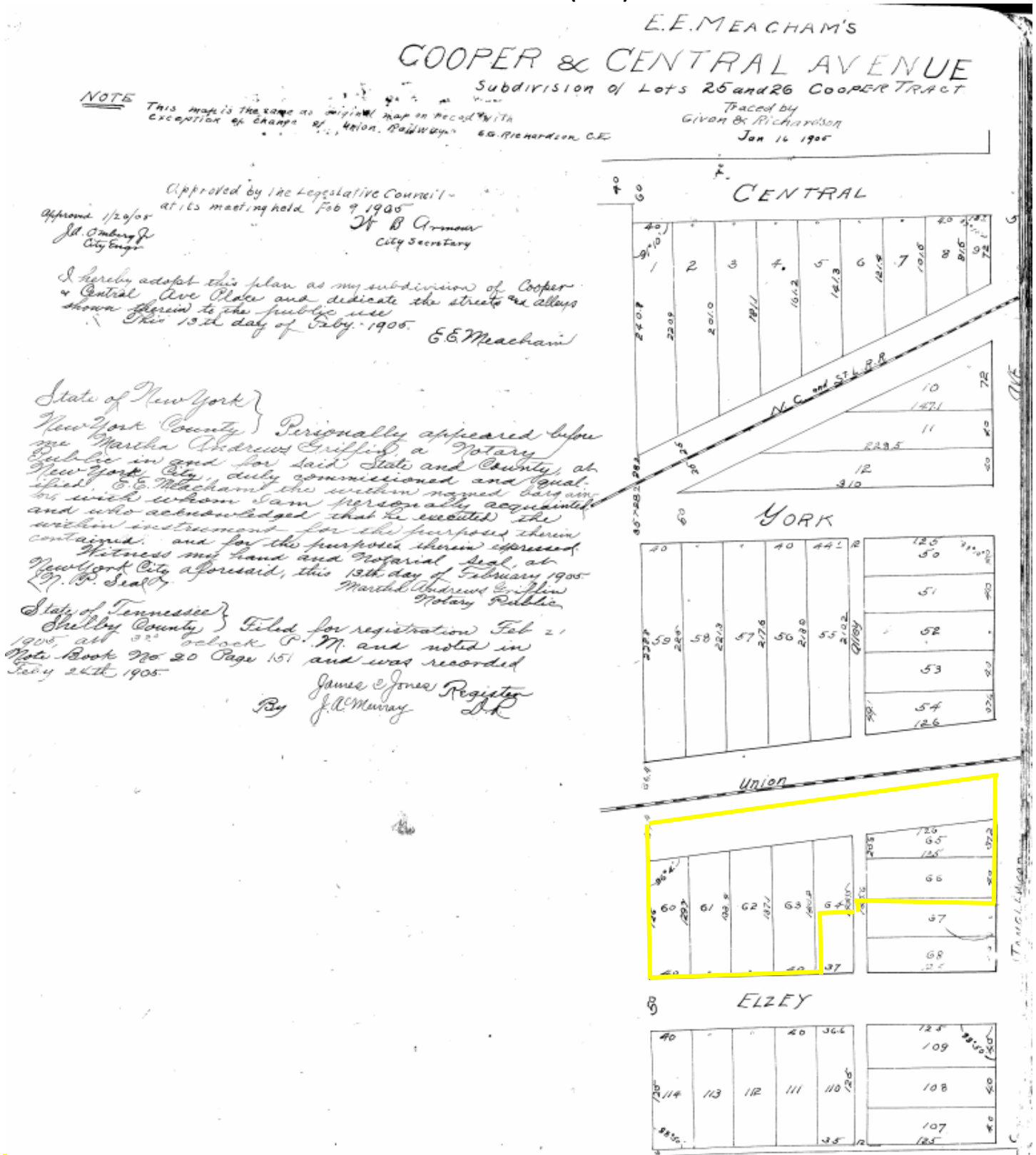
In accordance with Sub-Section 9.3.4A of the Unified Development Code, a notice of public hearing is required to be mailed and signs posted. A total of 119 notices were mailed on 24 March 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Cooper-Young

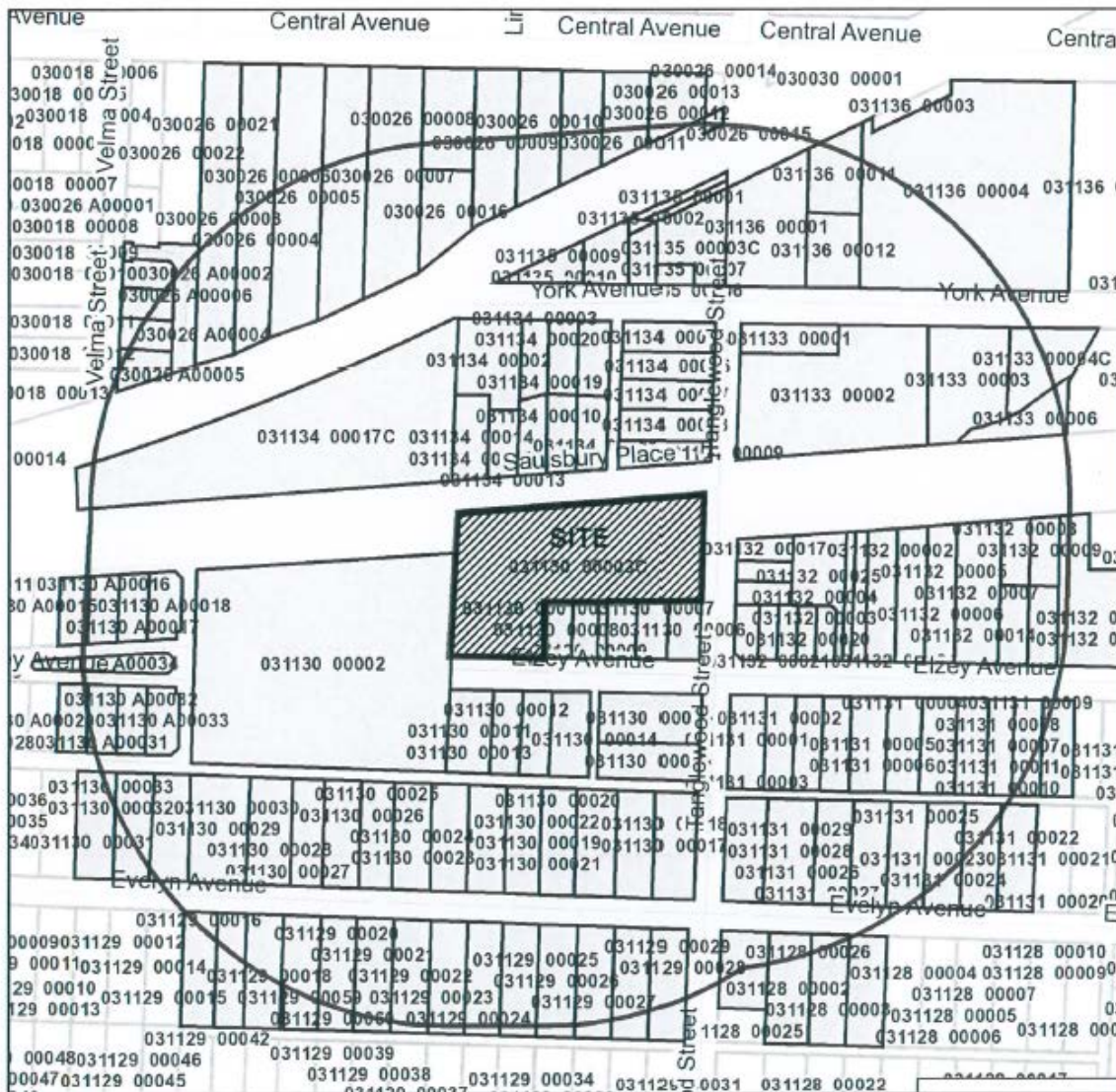
MEACHEM'S COOPER AND CENTRAL AVENUE SUBDIVISION (1905)



Subject property consists of Lots 60, 61, 62, 63, 65, and 66; parts of Lots 64 and 67; a vacated part of the Union Pacific railroad; and a vacated part of an alley. The approximate boundaries of the property have been outlined in yellow.

NORTH

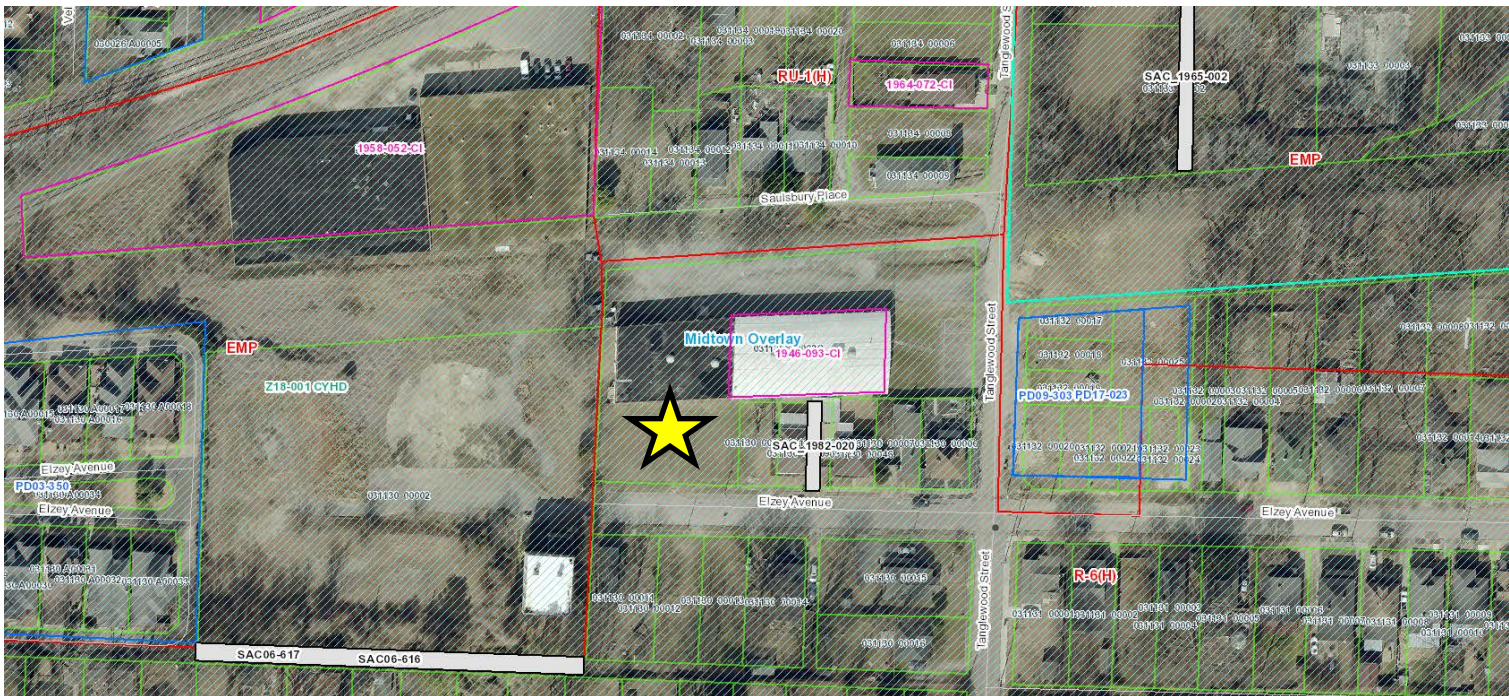
SCALE: 1" = 200'



AERIAL



ZONING MAP



Existing Zoning: Residential – 6 and Residential – 6 (Historic) within Midtown District Overlay

Surrounding Zoning

North: Residential Urban – 1 (Historic) within Midtown District Overlay

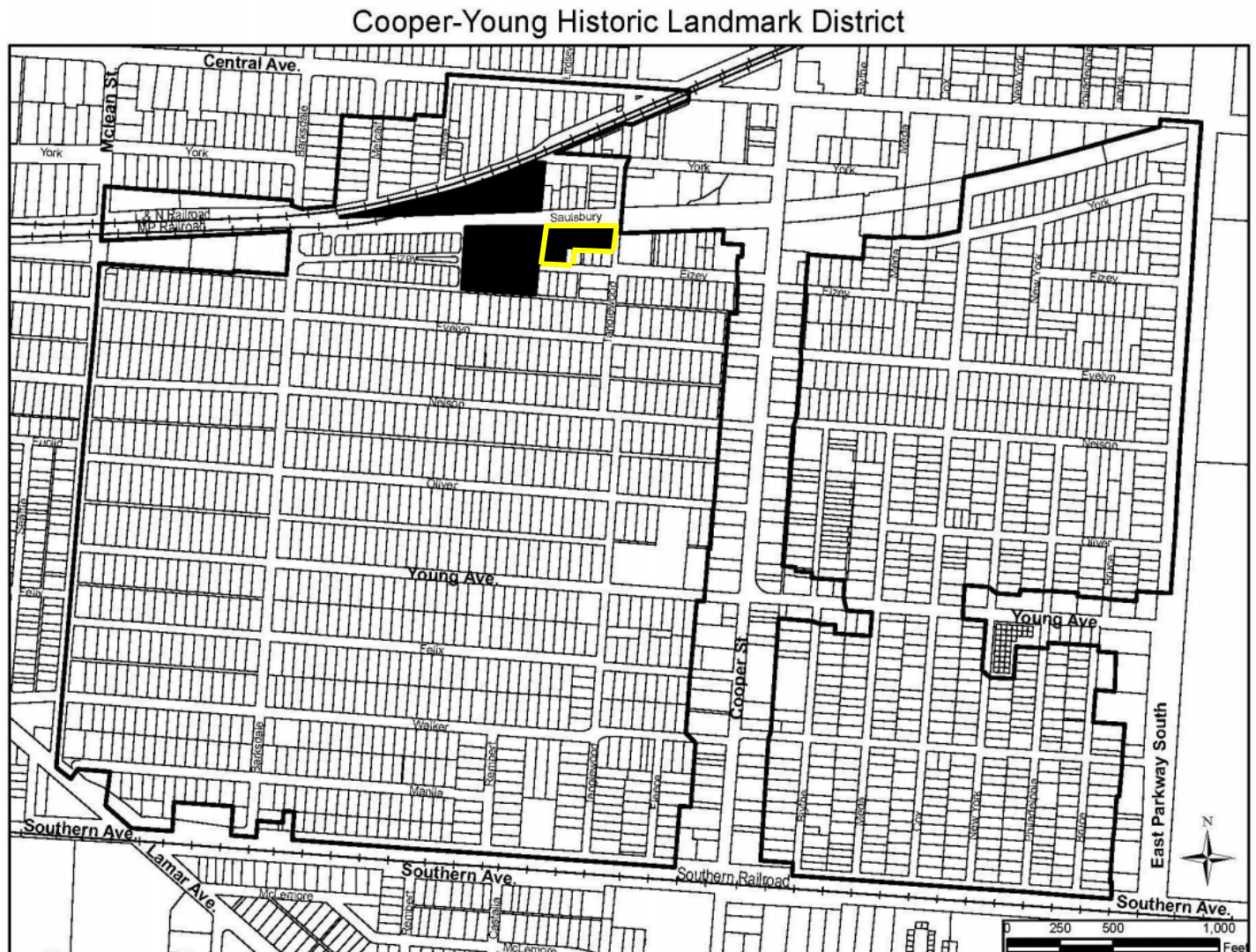
East: Residential – 6 (Historic) and Employment within Midtown District Overlay

South: Residential – 6 (Historic) within Midtown District Overlay

West: Employment within Midtown District Overlay

**Please note that the zoning atlas mislabels this entire site as within the historic district. Please see the following page for the correct boundaries.*

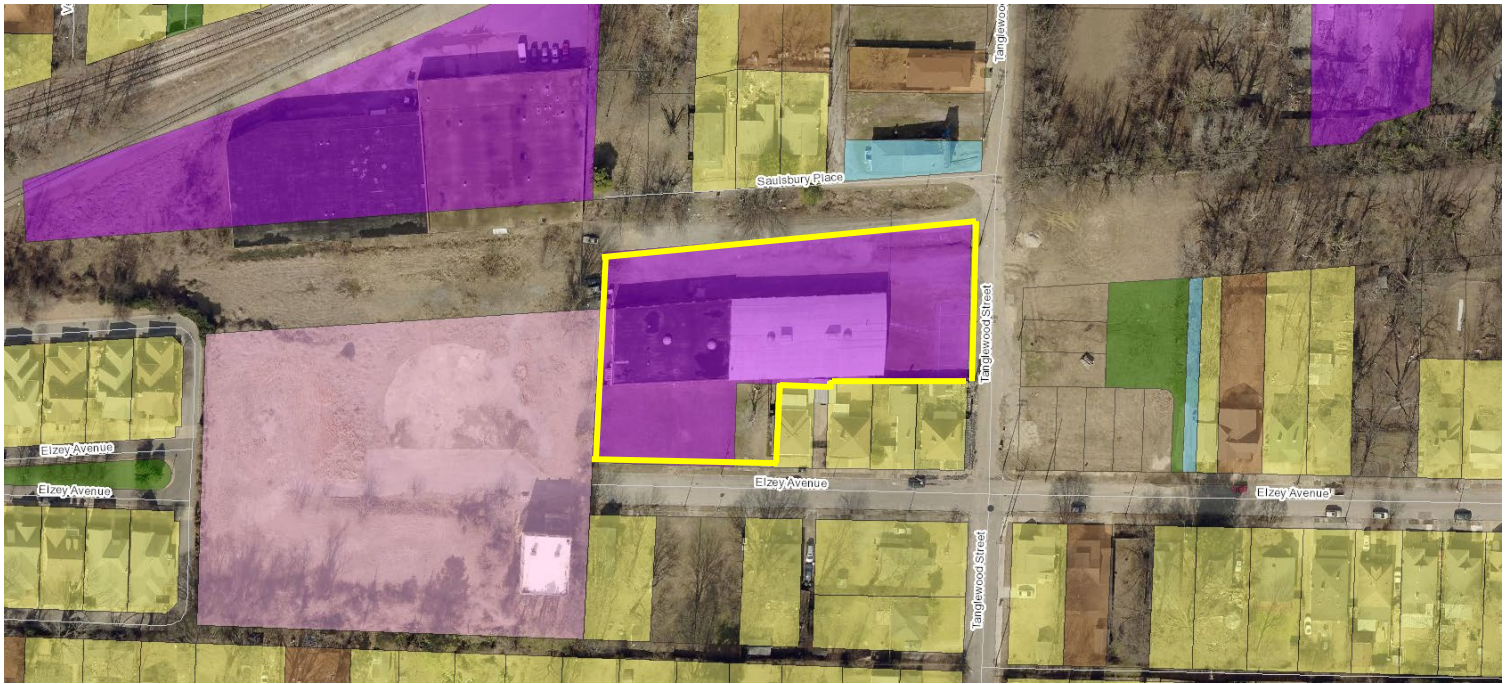
MAP OF COOPER-YOUNG HISTORIC DISTRICT



The subject property is outlined in yellow. That portion that is shaded black is *not* within the historic district, and therefore future construction therein is *not* subject to review of the Memphis Landmarks Commission. That portion that is not shaded black *is* within the historic district, and therefore future construction therein *is* subject to review of the Landmarks Commission. The latter and former portions are coterminous with the two parcels that currently comprise the site.

As noted on the previous page, the zoning atlas currently mislabels the entire site as within the historic district. This error has been brought to the attention of County GIS staff.

LAND USE MAP



SITE PHOTOS



View of on-site structure from Elzey



View of on-site structure from Tanglewood



View east down Elzey



View west down Elzey



View west down the railroad right-of-way.

The site's fencing extends beyond the property line into the railroad right-of-way.



Alternative view west down the railroad right-of-way



View west down Saulsbury.

Saulsbury is an alley-like street to the north of the railroad right-of-way.



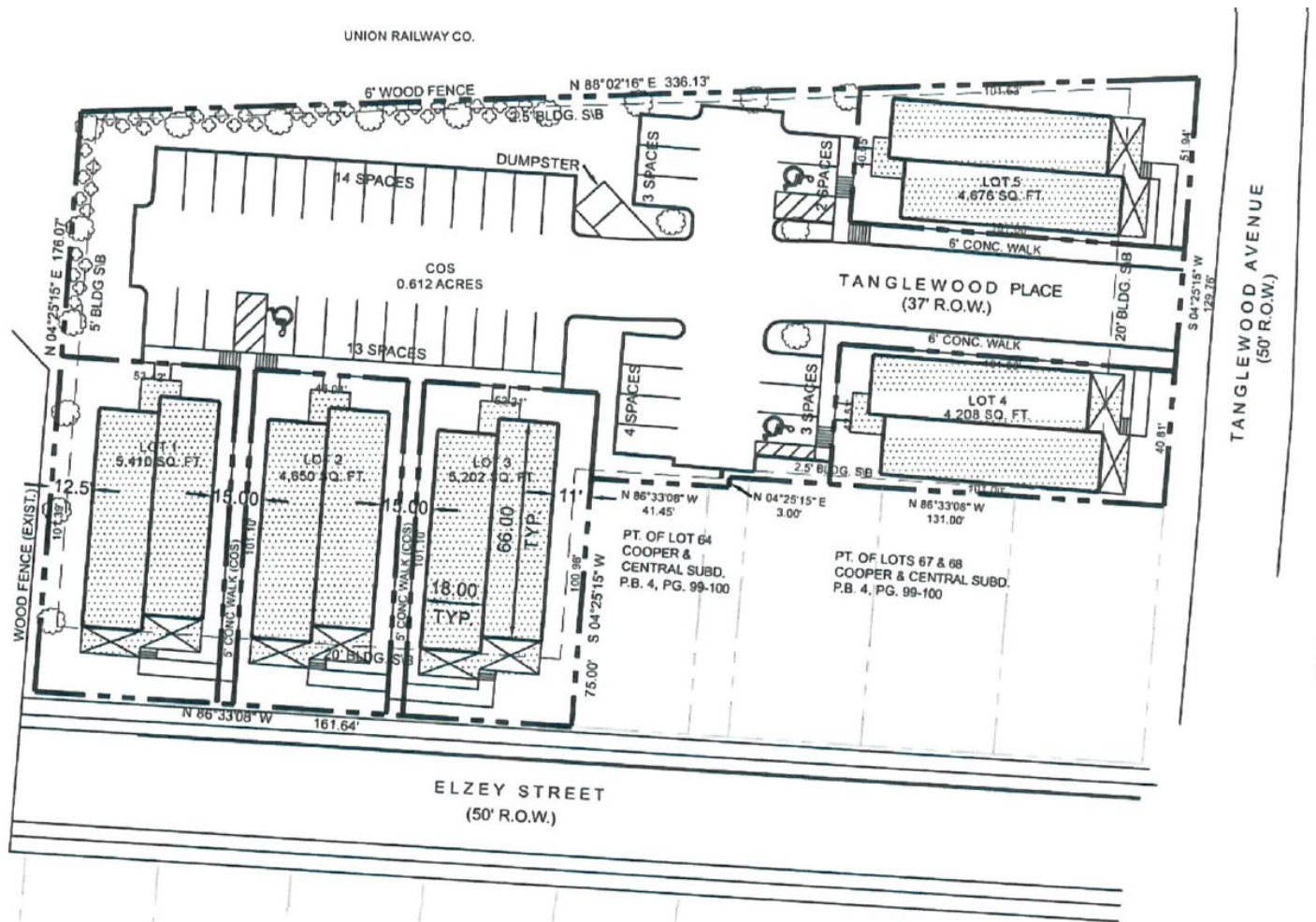
View east down Saulsbury.

This land has a higher elevation than the subject site.



View south down Tanglewood from Saulsbury

PROPOSED CONCEPTUAL SITE PLAN



A full site plan review has not been conducted at this time. If approved, a review in accordance with the outline plan conditions and UDC standards will be conducted at the time of final plan review.

This site plan is not approvable as is, per the recommended outline plan conditions. For example, the Elzey dead-end has not been addressed; the proposed Lot 4's side setbacks are less than 5'; and parking area landscaping has not been sufficiently provided.

STAFF ANALYSIS

Request

The request is for an amendment to a planned residential development, known as PD 20-13, to permit large homes.

The application and letter of intent have been added to this report.

Applicability

Staff **agrees** the applicability standards and criteria as set out in Section 4.10.2 of the Unified Development Code are or will be met.

4.10.2 Applicability

The governing bodies may, upon proper application, grant a special use permit for a planned development (see Chapter 9.6) for a tract of any size within the City or for tracts of at least three acres in unincorporated Shelby County to facilitate the use of flexible techniques of land development and site design, by providing relief from district requirements designed for conventional developments, and may establish standards and procedures for planned developments in order to obtain one or more of the following objectives:

- A. Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.*
- B. Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.*
- C. Functional and beneficial uses of open space areas.*
- D. Preservation of natural features of a development site.*
- E. Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.*
- F. Rational and economic development in relation to public services.*
- G. Efficient and effective traffic circulation, both within and adjacent to the development site, that supports or enhances the approved transportation network.*
- H. Creation of a variety of housing compatible with surrounding neighborhoods to provide a greater choice of types of environment and living units.*
- I. Revitalization of established commercial centers of integrated design to order to encourage the rehabilitation of such centers in order to meet current market preferences.*
- J. Provision in attractive and appropriate locations for business and manufacturing uses in well-designed buildings and provision of opportunities for employment closer to residence with a reduction in travel time from home to work.*
- K. Consistency with the Memphis 3.0 General Plan.*

General Provisions

Staff **agrees** the general provisions standards and criteria as set out in Section 4.10.3 of the Unified Development Code are or will be met.

4.10.3 General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations of the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions

contained in this Chapter.

- A. *The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.*
- B. *An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.*
- C. *The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses, and any part of the proposed development not used for structures, parking and loading areas or access way shall be landscaped or otherwise improved except where natural features are such as to justify preservation.*
- D. *Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.*
- E. *Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.*
- F. *Lots of record are created with the recording of a planned development final plan.*

Residential Criteria

Staff **agrees** the additional planned residential development criteria as set out in Section 4.10.4 of the Unified Development Code are or will be met.

4.10.4 Planned Residential Developments

In addition to the standards and criteria set forth in Section 4.10.3, planned residential developments shall comply with the standards and criteria set forth below:

- A. **Formal Open Space**
A minimum of 0.6% of the total land area of a planned residential development of 15 acres or more shall be subject to the formal open space requirements of Section 6.2.3. No open area may be delineated or accepted as formal open space under the provisions of this Chapter unless it meets the standards of Chapter 6.2, Open Space.
- B. **Accessibility of Site**
All proposed streets, alleys and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development. The location of the entrance points of the streets, alleys and driveways upon existing public roadways shall be subject to the approval of the City or County Division of Public Works.
- C. **Off-Street Parking**
Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through use of trees, shrubs and/or hedges and screening walls.
- D. **Pedestrian Circulation**
The pedestrian circulation system and its related walkways shall be separated, whenever feasible, from the vehicular street system in order to provide an appropriate degree of separation of pedestrian and vehicular movement.
- E. **Privacy**
The planned residential development shall provide reasonable visual and acoustical privacy for

dwelling units within and adjacent to the planned residential development. Protection and enhancement of property and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers. High-rise buildings shall be located within the development in such a way as to minimize any adverse impact on adjoining low rise buildings.

F. Distance Requirements

Where minimum distance requirements are provided between single family residential zoning districts and certain stipulated uses in this Code, the single-family residential areas of planned developments shall be considered zoned residential.

Approval Criteria

Staff **agrees** the approval criteria as set out in Section 9.6.9 of the Unified Development Code are being met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- A. The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- B. The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- C. The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- D. The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- E. The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- F. The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- G. The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- H. Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

This two-parcel site is in Meachem's Cooper and Central Avenue Subdivision, consisting of Lots 60, 61, 62, 63, 65, and 66; parts of Lots 64 and 67; a vacated part of the Union Pacific railroad (formerly known as the Union Railway, a subsidiary of the Missouri Pacific Railroad); and a vacated part of an alley. It has 162 linear feet of frontage on Elzey Avenue and 130 linear feet of frontage on Tanglewood Street, both local streets. According to the Shelby County Assessor of Property, the site contains one structure, an 18,870-square foot warehouse built in 1957. Both frontages have overhead utilities and nonconforming curb cuts, and lack streetscape plates.

In 1946, the Memphis Board of Adjustment granted a variance to the Memphis Metal Manufacturing Company, Inc., to permit an attic fan manufacturing plant within a residential zoning district.

In January 2021, the Memphis City Council approved a special use permit for a planned residential development with reduced minimum lot sizes and building setbacks, known as PD 20-13. No outline plan has been recorded. The proposed conceptual site plan included single-family lots, as well as a new street and alley. That site plan is reproduced below.



Conclusions

In January 2021, the Memphis City Council granted the applicant a special use permit for a planned residential development on a 1.2-acre site near the intersection of Elzey and Tanglewood in Cooper-Young. The approved plan consists of approximately 11 single-family homes with reduced minimum lot size and building setbacks, oriented around a new street and alley. No outline plan or final plan has been recorded.

Following that approval, the applicant decided instead to pursue a multifamily development concept. The new proposal consists of approximately five large homes (a type of small apartment building), each with four dwelling units, for a total of 20 dwelling units. All five structures would front either Tanglewood and Elzey; no street or alley construction is now proposed. As proposed, the dwelling units would share a parking lot accessed from Tanglewood.

Because this land is zoned for single-family residential uses, this proposal will require a planned development amendment subject to Council approval. If rejected, the previous approval would stand. If approved, the previous approval would be superseded.

RECOMMENDATION

Staff recommends ***approval*** of an amendment to the outline plan conditions, as shown below. Recommended deletions are emboldened and struck through, whereas recommended additions are emboldened and underlined.

Outline Plan Conditions

- I. Permitted Uses
 - A. Uses shall be permitted as if zoned Residential ~~–6 Urban –2~~, with the following exception:
 - 1. No short-term rental housing shall be permitted.
- II. Building Envelope Standards
 - A. ~~Reverse frontage lots shall not be permitted, and no street shall be constructed that would cause an adjacent lot to have a reverse frontage. No driveway shall be constructed along the rear property line of a lot adjacent to this development.~~
 - B. ~~Every lot shall have rear vehicular access only. The Zoning Administrator may grant an exception for a corner lot to have side street vehicular access. No lot shall be permitted individual vehicular street access. Street-facing garages shall not be permitted.~~
 - C. ~~Building Height~~ The maximum height shall be 30 feet.
 - ~~1. The maximum height shall be 30 feet.~~
 - ~~2. The maximum number of stories shall be 1.5.~~
 - D. There shall be no minimum lot area.
 - E. ~~Lot Width~~ The minimum lot width shall be 40 feet.
 - ~~1. The minimum lot width shall be 40 feet for lots with Elzey frontage.~~
 - ~~2. Otherwise, the minimum lot width shall be 25 feet.~~
 - F. Setbacks
 - 1. The minimum setbacks shall be:
 - a. Front: 15 feet.
 - i. Unenclosed porches may encroach up to 8 feet into the front setback.

b. Side (interior): ~~2.5~~ 5 feet.

i. The easternmost lot with Elzey frontage shall have an eastern side setback of 10 feet.

c. Side (street): 10 feet.

d. Rear: 15 feet.

i. Garages – either detached or attached – may encroach into the rear setback provided they are sited exactly 5 feet from the rear property line.

G. Curb and gutter are required along all adjacent ~~and proposed~~ streets.

H. Front porches with a minimum ~~of~~ depth of 8 feet shall be required.

I. The finished ground floor shall be raised a minimum of 18 inches above the top of grade.

J. Every dwelling unit shall have access to a functional, street-facing primary entrance. Such entrances should be shared by multiple dwelling units.

III. General Development Standards

A. Streetscaping and Landscaping

1. A modified S-13, S-14, or S-15 streetscape plate, including curb and gutter, shall be installed along ~~the south of the east-west segment and the east of the north-south segment of the proposed street, as well as along~~ the site's Elzey and Tanglewood frontages, subject to approval of the Zoning Administrator.

a. Additionally, the Zoning Administrator may require that the developer install a similar streetscape plate on Tanglewood between the site's frontage and Saulsbury.

b. A valley gutter shall not satisfy the street curb requirement.

c. The streetscape plates that are along the site's frontages shall either ~~may~~ be dedicated as right-of-way or overlaid with perpetual and general public access easements, as needed, subject to the approval of the Zoning Administrator.

d. Sidewalks may be required to be repaired, as well as unused curb cuts closed with the appropriate streetscape plate.

~~2. A landscape area with a minimum width of 4.5 feet shall be installed along the north of the east-west segment and the west of the north-south segment of the proposed street.~~

3. The landscaping shall emphasize native plants.

4. Fencing and Walls

a. Fencing and walls shall be subject to the Midtown District fencing standards.

b. Any existing chain link shall be removed.

5. No vehicular access gates shall be permitted.

B. If any common open space is provided, a property owners' association shall be required to own and maintain said land. Any such association shall be created concurrently with the recording of a final plan.

IV. Infrastructure and Public Improvements

~~A. No dead-end alleys or streets shall be permitted. The developer shall resolve the existing Elzey dead-end, by providing either a turn-around or egress to Tanglewood, subject to the approval of the Zoning Administrator.~~

1. In either scenario, the provision of a perpetual and general public access easement may be required by the Zoning Administrator.

~~B. A street shall be improved and dedicated along the western and northern perimeters of the site.~~

1. ~~The street shall have a maximum width of 28 feet, as measured from curb back to curb back. This width is meant to provide for two parking lanes and one shared travel lane, and may be reduced if parking is eliminated, subject to approval of the Zoning Administrator.~~

~~C. An alley shall be improved and dedicated that provides rear vehicular access to all proposed lots.~~
~~1. The alley shall have a 14-foot travel lane and a minimum right-of-way of 22 feet.~~

~~D. The developer may choose not to dedicate the street and/or alley, provided the following standards are met:~~

- ~~1. The street and/or alley shall be overlaid with a perpetual and general public access easement. The alley shall be accessible to all adjacent Elzey lots.~~
- ~~2. No gates shall be permitted.~~
- ~~3. All City standards for streets and alleys shall be met. A valley gutter shall not satisfy the street curb requirement.~~

E. Overhead utility poles shall not be permitted, unless otherwise approved by both Memphis Light, Gas, and Water, and the Zoning Administrator.

V. Miscellaneous

A. Where the outline plan conditions and the Unified Development Code conflict, the former shall apply. Otherwise, all standards of the Unified Development Code shall apply.

B. **All Any** construction **within the Cooper-Young Historic District** shall be subject to the approval of the Landmarks Commission in accordance with the Cooper-Young Historic District design guidelines.

C. If the railroad right-of-way to the north of the site is acquired by the developer, said acquired land may be incorporated into this planned development, subject to approval of **a major modification by the Zoning Administrator Land Use Control Board.**

- ~~a. In this event, the proposed street should be shifted to the north. The site should be configured in such a way that the proposed street coheres with Saulsbury.~~

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.
6. Dedicate and improve Tanglewood Street 25 feet from the centerline with curb, gutter and sidewalk in accordance with the requirements in the Unified Development Code.
7. Dedicate and improve a 10-foot property line radius at the corner of Elzey Avenue and Tanglewood Street with an ADA compliant access ramp.

Traffic Control Provisions:

8. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
9. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
10. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the

City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

11. The City Engineer shall approve the design, number and location of curb cuts.
12. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
13. Direct vehicular access to Elzey Avenue from any of these lots in this development shall be prohibited. Convey access rights to the City of Memphis.

Drainage:

14. A grading and drainage plan for the site shall be submitted to the City Engineer for review and approval prior to recording of the final plat.
15. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis/Shelby County Storm Water Management Manual.
16. Drainage data for assessment of on-site detention requirements shall be submitted to the City Engineer.
17. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.
18. The developer should be aware of his obligation under 40 CFR 122.26(b)(14) and TCA 69-3-101 et. seq. to submit a Notice of Intent (NOI) to the Tennessee Division of Water Pollution Control to address the discharge of storm water associated with the clearing and grading activity on this site.

Site Plan Notes:

19. Adequate queuing spaces in accordance with the current ordinance shall be provided between the street right-of-way line and any proposed gate/guardhouse/card reader.
20. Adequate maneuvering room shall be provided between the right-of-way and the gate/guardhouse/card reader for vehicles to exit by forward motion.

City Fire Division:

- All design and construction shall comply with the 2015 edition of the International Fire Code (as locally amended) and referenced standards.
- Fire apparatus access shall comply with section 503. Where security gates are installed that affect required fire apparatus access roads, they shall comply with section 503.6 (as amended).
- Fire protection water supplies (including fire hydrants) shall comply with section 507.
- Where fire apparatus access roads or a water supply for fire protection are required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction except when approved alternate methods of protection are provided.
- A detailed plans review will be conducted by the Memphis Fire Prevention Bureau upon receipt of complete construction documents. Plans shall be submitted to the Shelby County Office of Code Enforcement.

Memphis Light, Gas and Water:

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **No permanent structures, development or improvements** are allowed within any utility easements, without prior MLGW written approval.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Underground Utility separation and clearance:** The subject property is encumbered by existing utilities which may include overhead and underground facilities. It is the responsibility of the owner/applicant to maintain a minimum 3-foot (3') separation between any existing underground service lines or utilities and any proposed permanent structure or facility. This separation is necessary to provide sufficient space for any excavations to perform service, maintenance or replacement of existing utilities.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to comply with Memphis/Shelby County Zoning Ordinance - Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to the review and approval of the landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **Landscaping is prohibited** within any MLGW utility easement without prior MLGW approval.

- **Street Names:** It is the responsibility of the owner/applicant to contact MLGW–Address Assignment @ 729-8628 and submit proposed street names for review and approval. Please use the following link to the MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search**: <http://www.mlgw.com/builders/landandmapping>
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the impact on or conflict with any existing utilities, and the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
 - All commercial developers must contact MLGW Builder Services line at 729-8630 to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Dept. of Comprehensive Planning:

Land Use Designation (see page 80 for details): Anchor Neighborhood – Primarily Single-Unit

Based on form and location characteristics and existing land use, the proposal IS CONSISTENT with the goals of the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 – 122:

1. FUTURE LAND USE PLANNING MAP



The red box indicates the application site on the Future Land Use Map.

2. Land use description & applicability:

The site is designated a Single-Unit Anchor Neighborhood. AN-S neighborhoods are characterized by house-scale buildings between one and three stories high and a mix of attached and semi-detached homes, around the anchor designation, mostly consisting of single-family homes or duplexes. These neighborhoods are located within a 10-minute walk of the anchor, making residential more accessible for pedestrians to anchor amenities. See graphic portrayal to the right



“AN-S” Goals/Objectives:

Preservation and stabilization of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services and jobs, building up not out.

“AN-S” Form & Location Characteristics:

The parcels are located within a Sustain Anchor. Primarily, detached, single-family residences. Attached single-family permitted on parcels within 100 feet of an anchor, one to two stories in height, and house scale.

The applicant is requesting an amendment to a previously approved planned development with the intention of constructing five large homes on five lots. Each home will contain four living units and a parking lot with 39 spaces will be constructed as well.

The request does not meet the criteria in the form of a single-family home. However, the proposed buildings will be no more than two stories in height and house scale. Also, the development will increase density, promote a greater mix of uses in the neighborhood, and is implementing infill that is contextually compatible. Therefore, the proposal is consistent.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land uses: Residential, Commercial and Employment. The subject site is surrounded by the following zoning districts: RU-1 (H), CMU-1, EMP. This requested land use is compatible with these adjacent land uses and zoning districts because *existing land use surrounding the parcel is similar in nature to the requested use.*

4. Degree of Change Map



The red box indicates the application site. The degree of change is Sustain.

5. Degree of Change Description

Sustain areas rely on limited public support and private resources to maintain the existing pattern of a place.

Actions for Sustain anchors and anchor neighborhoods are meant to:

- Support existing market conditions
- Support maintenance of public realm and infrastructure
- Facilitate private investment and development that is contextually compatible
- Address building form with infill development

Ways to Sustain:

- Promote infill that is contextually compatible
- Maintain most existing zoning standards (not in conflict with future land use)
- Change street cross-sections to promote multi-modal transportation options
- Enhance connectivity to transit network
- Apply/Uphold historic overlay district overlays

- Address regulatory barriers to quality development
- Reduce number of curb cuts to improve pedestrian and cyclist safety (access management)
- Encourage "curb to door" pedestrian and ADA accommodations
- Construct new streets or pathways to increase connectivity within large sites
- Improve public access points (covered bus stops, benches)
- Improve public services (trash cleanup and collection)
- Control scale and frequency of signage
- Upgrade infrastructure to improve storm water runoff
- Improve existing parks and civic buildings and spaces
- Allow increased density and building height
- Allow a broader mix of uses

Based on the information provided, the proposal is CONSISTENT with the goals of the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Melanie Batke, Office of Comprehensive Planning

City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Dept. of Construction Enforcement:	No comments received.
Dept. of Sustainability and Resilience:	No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6601

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: March 4, 2020

Case #: PD 20-13

PLEASE TYPE OR PRINT

Name of Development: Tanglewood Place Planned Development

Property Owner of Record: WO SFR, LLC / Ella Residential, LLC Phone #: 901-509-7361

Mailing Address: 5400 Poplar Ave. Suite 210 City/State: Memphis, TN Zip 38119

Property Owner E-Mail Address: Cameron@weoffr.com

Applicant: Same as owner Phone #

Mailing Address: City/State: Zip

Applicant E-Mail Address:

Representative: Tim McCaskill Phone #: 901-382-2577

Mailing Address: 7891 Stage Hills Blvd. Suite 112 City/State: Bartlett, TN Zip 38133

Representative E-Mail Address: tim@mccaskillinc.com

Engineer/Surveyor: McCaskill & Associates, Inc. Phone # 901-382-2577

Mailing Address: 7891 Stage Hills Blvd. Suite 112 City/State: Bartlett, TN Zip 38133

Engineer/Surveyor E-Mail Address: tim@mccaskillinc.com

Street Address Location: 7891 Stage Hills Blvd. Suite 112

Distance to nearest intersecting street:

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>1.166Acres</u>	<u></u>	<u></u>
Existing Zoning:	<u>R-6(H)</u>	<u></u>	<u></u>
Existing Use of Property	<u>Vacant buildings</u>	<u></u>	<u></u>
Requested Use of Property	<u>Large home</u>	<u></u>	<u></u>

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: Bedrooms:

Expected Appraised Value per Unit: or Total Project:

Amendment(s): Is the applicant applying for an amendment to an existing Planned Development?

Yes ☒ No ☐

The following modifications to existing planned developments are considered amendments: 1) a change to the permitted uses in a planned development, except in situations where a use of a higher classification is proposed to be changed to a use of a lower classification; 2) a modification to conditions that phases the uses, and 3) a conversion of public streets. See Section 9.6.11E(1) of the UDC for further details.

4.10.3 Planned Development General Provisions

The governing bodies may grant a special use permit for a planned development which modifies the applicable district regulations and other regulations of this development code upon written findings and recommendations to the Land Use Control Board and the Planning Director which shall be forwarded pursuant to provisions contained in section 4.10.3:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The proposed development will not unduly injure or damage the use, value and enjoyment of surrounding property nor unduly hinder or prevent the development of surrounding property in accordance with the current development policies and plans of the City and County.

This project will be an improvement to the entire neighborhood.

- An approved water supply, community waste water treatment and disposal, and storm water drainage facilities that are adequate to serve the proposed development have been or will be provided concurrent with the development.

Utilities and sanitary sewer are existing.

- The location and arrangement of the structures, parking areas, walks, lighting and other service facilities shall be compatible with the surrounding land uses... (see UDC sub-section 4.10.3C)

The development will be compatible with surrounding land uses.

- Any modification of the district standards that would otherwise be applicable to the site are warranted by the design of the outline plan and the amenities incorporated therein, and are not inconsistent with the public interest.

Modifications and amenities are not inconsistent with the public interest.

- Homeowners' associations or some other responsible party shall be required to maintain any and all common open space and/or common elements.

Yes

- Lots of records are created with the recording of a planned development final plan.

Yes

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: 3/1/21 with Brett Davis

NEIGHBORHOOD MEETING – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

Neighborhood Meeting Requirement Met: Yes or Not Yet (Circle one)
(If yes, documentation must be included with application materials)

SIGN POSTING – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

I (we) hereby make application for the Planned Development described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

Cameron Ellis 3/4/2021
Property Owner of Record Date

Cameron Ellis 3/4/2021
Applicant Date

**GUIDE FOR SUBMITTING
PLANNED DEVELOPMENT APPLICATION
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

- A. **THE APPLICATION** - Two (2) collated sets of this application in accordance with the requirements of the Unified Development Code and as outlined below shall be submitted to OPD. The following information is required to be submitted for consideration as a complete application, and except for copies of the Outline and/or Site/Concept Plan, shall be provided on sheets of 8.5"x11" in size. The application with original signatures shall be completed either with legible print or typewritten. Each application set shall be compiled in the following order:
- 1) This application, 8.5"x11" Outline and/or Site/Concept Plan, Legal Description, Vicinity Map, 2-3 sets of gummed-backed Mailing Labels, 2 sets of paper copied Mailing Labels, Letter of Intent, 20"x24" Outline and/or Site/Concept Plan (folded), copy of Deed(s).
 - 2) A compact disc with all submittal documents in "PDF" and any proposed conditions in "WORD".
- B. **LETTER OF INTENT** - The letter shall include the following:
- a) A brief narrative statement generally describing the nature, location and extent of the development and the market it is intended to serve.
 - b) A list of any professional consultants associated with the proposed development.
 - c) A written statement generally describing the relationship of the proposed development to the current policies and plans of the City and County. The statement shall include how the proposed

LETTER OF INTENT



7891 Stage Hills Blvd, Suite 112
Bartlett, TN 38133
www.mccaskillinc.com
(901)382-2577 (901)385-1813 Fax

March 3, 2021

Letter of Intent - 795 Tanglewood Amended

Last year we received approval from the Land Use Control Board and City Council of a Planned Development with eleven lots for single family homes. We are now requesting an amendment to the plan to allow five lots with five buildings. The buildings will be in the Large Home format as described in the Unified Development Code Article 3.4. Each building will have four living units, two on each floor. Each living unit will be approximately 1,200 sq. ft.. 39 parking spaces are provided in a common area bordering the abandoned railroad right of way.

The proposed plan creates more open space and landscaped areas than the currently approved plan. It will have less building density than any other development in the area approved in the last few years. We believe it will be an enhancement to the neighborhood.

Consultants:

Tim McCaskill
McCaskill and Associates, Inc.
7891 Stage Hills Blvd. Suite 112
Bartlett, TN 38133
901-382-2577
tim@mccaskillinc.com

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Tim McCaskill, being duly sworn, depose and say that at 4:55 p.m. on the 19th day of March, 20021, I posted a Public Notice Sign(s) pertaining to Case No. PD 2021-009 at 795 TANGLEWOOD ST. (address) , providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (X Planned Development, Special Use Permit, Use Variance, Zoning District Map Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

J. Alumbel
Owner, Applicant or Representative

3-22-21
Date

Subscribed and sworn to before me this 22 day of MARCH, 20021.

Teresa H. McCaskill
Notary Public

My commission expires: June 15, 2022



STAFF MEMORANDUM ON PLANNED DEVELOPMENTS AND HISTORIC DISTRICTS

This three-page memorandum clarifies that state law does not permit land to be opted in or out of a local historic district through planned development outline plan conditions.

MEMORANDUM

TO: Josh Whitehead, Administrator, Land Use Devel. Services
Ayse Tezel, Planner, Land Use Development Services

FROM: Robert B. Rolwing, Assistant Shelby County Attorney

DATE: March 5, 2021

RE: Landmarks Review of Planned Developments

ISSUE: Is construction in a planned development that lies within a historic overlay district subject to review by the Landmarks Commission?

ANSWER: Yes. Landmarks Commission review applies to construction in a planned development located within a historic overlay district. A condition purporting to preclude Landmarks review would not be lawful.

ANALYSIS:

I. **State historic zoning law.** State law on historic zoning provides that “[a]ll applications for permits for construction, alteration, repair, rehabilitation, relocation or demolition of any building, structure or other improvement to real estate situated within a historic zone or district shall be referred to the historic zoning commission,” which in Memphis is called the Landmarks Commission. The law also allows the local government to include review for construction that does not require a permit. T.C.A. §13-7-407(a).

No such “improvement to real estate situated within a historic district or zone, for which the historic zoning commission or regional historic zoning commission has been granted the authority to review and to grant or deny a certificate of appropriateness, shall be performed without the issuance of a certificate of appropriateness.” T.C.A. §13-7-407(a). Under state law, then, Landmarks Commission review is mandatory within a historic district.

II. **Planned developments may not exempted.** Local governments derive their zoning authority over private property from the state legislature. Local governments must “exercise their delegated power consistently with the delegation statutes from which they derive their power.”

Josh Whitehead
Ayse Tezel
March 5, 2021
Page Two

421 Corporation v. Metro. Gov't, 36 S.W.3d 469, 475-476 (Tenn.App. 2000),
permission to appeal to the Tenn. Supreme Court denied.

The Memphis and Shelby County Unified Development Code authorizes the Land Use Control Board and the governing bodies to “establish standards and procedures for planned developments,” i.e., conditions, apart from the parcel’s zoning, in order “to facilitate the use of flexible techniques of land development and site design, by providing relief from [zoning] district requirements designed for conventional developments.” UDC §§ 4.10.2; 9.6.8(B).

But state historic-zoning law makes clear that, once established, historic-zoning review supersedes any local zoning procedure or regulation to the contrary:

(b) A historic district or zone may be superimposed on other districts or zones, including the zoning maps, established by any other zoning ordinance or regulation, whether established before or after the establishment of a historic district or zone.

(c) The permitted or prohibited property uses, the zoning procedures and other regulations otherwise applicable within a historic district or zone under the provisions of any other zoning ordinance or regulation shall apply to a historic district or zone, except when in conflict with this part or any ordinance or regulation adopted pursuant to this part, but in the event of such conflict, this part and any ordinance or regulation adopted pursuant to this part shall control.

T.C.A. § 13-7-402. In the case of historic districts, then, state law mandates (“shall”) Landmarks review of construction within a historic district. No condition to a planned development may lawfully override that state law requirement.

The provision in state law, that where there is a conflict between zoning done pursuant to state law and zoning done pursuant to a private act (a state law that applies only to one city or county), then the private act prevails, is not applicable. T.C.A. §13-7-210. That law specifies that it applies only to certain parts of the state code, and the historic-zoning law is

Josh Whitehead
Ayse Tezel
March 5, 2021
Page Three

not one of those. I raise the point because that law has been key in litigating other conflicts between our local zoning and state zoning law. See *esp. Prime Locations v. Shelby County and City of Memphis*, Circuit Court No. CT-006449-04 (2010, Judge Stokes)(upholding local regulation of nonconforming billboards), *affirmed on other grounds* by the Tennessee Court of Appeals (2011) .

III. Alternatives to review by the Landmarks Commission. The applicants, neighbors, and you, have already identified the grounds for by-passing Landmarks review of development at the Crosstown Mound, the area cleared out years ago in anticipation of I-40 construction, and which lies within the proposed Crosstown Historic District. The first and simplest alternative is, of course, not to include the Crosstown Mound in the historic district.

The second alternative is to exclude Crosstown Mound now, at the creation of the historic district, with the expectation of bringing it into the district after construction has begun or is completed. Bringing the Mound into the district would require an ordinance by City Council at some later date, to amend the proposed Crosstown Historic District Overlay ordinance that is before the Land Use Control Board now.

A third alternative is to exclude the Mound now, but bring each parcel into the district after construction is complete. This alternative is lawful but presents practical difficulties. Once a district is established by ordinance, then it may be amended only by ordinance. This alternative would thus requires numerous and repeated amending ordinances in the future, as construction progresses at Crosstown Mound.

A fourth alternative is to place a condition on any planned development at the Crosstown Mound that the developer(s) must submit application for inclusion in the historic district at some specified point in the future. That condition would be lawful, but would not bind the future City Council on whether to amend the historic district boundary to include the Crosstown Mound..

Please let me know if I may be of further assistance.

LETTERS RECEIVED

18 letters of opposition were received at the time of publication of this report. They are reproduced below.

Brett,

I am truly disappointed that the LUCB would even consider allowing the developer of tanglewood place to change their design entirely. It doesn't fit within the established standards of the community and allowing it to happen would defeat the entire purpose of the LUCB.

Do the right thing and tell them to stick with the approved plan or move on else where.

Thanks,

Aerin ellis

District 7

Dear Mr. Davis,

Please require all developments to maintain the character of the surrounding neighborhood. This includes the Tanglewood/Elzey development in Cooper Young Historic District. It's a gem of a neighborhood, and we must fight to preserve it from those who would undo that character to make an easy buck. Make them earn the neighborhood's respect! Counting on you!

Thank you,

Alix

Alix Harte

Affiliate Broker, KAIZEN Realty

Cell: 901-550-3185

Office: 901-221-4041

alix.harte@outlook.com

alix.kaizen-realty.com

I believe in walkability in midtown. And I don't believe we should be allowing gated communities in CY. I believe in contextually appropriate development. I also believe that developers shouldn't get to do whatever they want to line their pockets.

Planned Developments should fit within the community and this does not.

Please don't let developers ruin all the wonderful things about midtown. I fear that we are not going to be able to recognize midtown in a year, if these developers have their way.

Thank you for taking the time to read this email.

Sincerely,

Jane Pratt Parks

Mr. Davis,

It is ridiculous that as a city, as a neighborhood, and as citizens, we constantly have to fight with developers who are not interested in making the neighborhood they choose to develop a better place.

The new Tanglewood development does not fit into our neighborhood. The developer needs to stay with the original plan. This new plan does not fit with our neighborhood.

Buzz and Judi Shellabarger

Dear Members of the Land Use Control Board,

I was shocked to discover that the developers who proposed the Tanglewood Place development have scuttled their plan for a project that was a compromise with the Cooper-Young neighborhood and are now returning with a plan that ignores the neighborhood's wishes entirely. I ask that you deny their application for a gated community of too tall rentals. The will of the people should be respected.

Thank you,

John Brantley Ellzey
1666 Overton Park Ave.

Dear Mr. Davis,

I am 100% in opposition to the bait and switch tactics of this planned change in the previously approved plan. The developer must think the community and the LUCB are idiots.

I urge you to recommend the developer's new plans be thrown out. Nothing, including his plans to build a large building 3' from a neighbor's plot is right about this new idea... basically, it's a money-making scheme and shows zero concern for the community.

Sincerely,

Patrick McCabe
A CY Resident

LUCB:

The conditions you put on this developer's original plan were good, making those houses much more fitting to the neighborhood around this project.

This new iteration is not of the same project but of a completely different one, and it ignores your requests and those of the neighborhood.

You were forceful in your response to the original plan. Please quash this one that ignores the feel of the neighborhood (3.9.2 Contextual Infill Standards), ignores code (such as rear setbacks), and may be trying to evade the regular avenues of such requests.

Please oppose PD 21-009.

Thank you,

Robert Gordon

960 Meda

966 Meda

1066 Philadelphia

1068 Philadelphia

Dear Mr. Davis:

On behalf of the more than 100 members of Midtown Action Coalition, representing multiple civic organizations and neighborhood associations from VECA to Lea's Woods to Central Gardens, Annesdale and everywhere in between, please register our opposition to PD 2021-009, Tanglewood Place.

This bait-and-switch ploy by the developer, in which he returns to LUCB with a completely different plan than the one approved earlier does not sit well with the residents of Cooper-Young and we support them in their quest to keep their part of town pedestrian-friendly as well as preserving the architectural integrity of their neighborhood.

We strongly urge the board members to unanimously deny this application.

Regards,

Gordon Alexander
MAC

Brett-

I am writing in opposition to the new proposal for Tanglewood Place as a gated community. The 4-plex as proposed is ok, although I had rather see a mixed variety of duplexes and single-family homes, the gating of the development is that which I oppose. Also, the developer was approved for 1.5 story homes in November and is now changing to 2 story units. I am concerned that this is not in keeping with Cooper Young or prior approval. Cooper Young is a neighborhood of walkable streets with sidewalks. Every effort should be made to continue this history in new developments. No gated communities.

Christina Ross

Hi Mr, Davis,

I was born and raised in Memphis and lived in Cooper-Young for several years. What drew me to the neighborhood was the older houses, the sense of community, the beauty. I feel like that is being stripped away by this development at Tanglewood and Elzey Street. It is horrible, and not in line with the rest of the area, and if they get to proceed, it will open the floodgates for other developers to come in and do the same. I live in Austin now, and it is happening all around me and it is awful and ruining our city. Asking LUCB to oppose PD 2021-009.

The wonderful character and beauty of midtown and its residents is at stake,

Thank you so much,

Luann Williams
Austin, Texas

Please accept this letter as strong opposition to the "Tanglewood Place" project (Tanglewood and Elzey) in Cooper-Young.

Staff at OPD outlined conditions for this planned development when it was initially presented -- no gated community, reduced building height, etc. As a result, the initial development was to be 11 new homes for sale, 1.5 stories each. **The developer is bringing an entirely different proposal to this meeting** -- 5 apartment buildings, each with 4 units to rent.

The proposal should be rejected on that premise alone -- it is an incredibly unprofessional bait and switch that should offend the LUCB and demonstrates the developer's total lack of respect for the board and its role and its time. On further examination, the proposal as newly revised is completely discordant with the neighborhood and the trajectory and character that the Cooper-Young residents desire. It will add nothing to the community and will indeed destroy the fabric and feel of the neighborhood; it will only serve to add money to the developer's pocket.

As always, you know I am not opposed to development and definitely not opposed to making money; however, this project as newly revised is simply wrong for this neighborhood.

Sincerely,

Emily Graves, MD
1412 Carr Ave
38104

Dear Mr. Davis,

When Cooper Young Association was creating their historic districting guidelines, there was a tremendous amount of neighbors support. The room was packed as the community came together to discuss what their neighborhood character should look moving forward. There was overwhelming support to NOT have gated communities within Cooper Young. Walkability is also a real hot button as noted today with events that take advantage of this walking community (Walk with Wine scheduled for tomorrow evening and CY PorchFest on April 17th.)

This new application **oppose PD 2021-009 Tanglewood Place** is contrary to the intent of the character and culture of the community. I urge the commissioners to oppose this application.

Although, I live in Central Gardens, we partner with Cooper Young on many issues and opportunities. And, Cooper Young is our go to walking area.

Thank you for your consideration.

Regards,

Barbara

Barbara Sysak
barbsysak@gmail.com
680 South McLean Blvd
Memphis, TN 38104
551-689-3879- mobile

I live in Humes Heights, and I support Midtown Action Coalition's effort to stop this greedy developer who wishes to once again run roughshod over the desires of a historic neighborhood. We are getting REAL tired of this assault in so many ways on our neighborhoods, from painting brick buildings white to putting up hideous, barn structures not in any way in keeping with the surrounding architecture.

Cary Schwartz

I am writing to express my opposition to the proposed Tanglewood Place development and to request that you vote to reject this application. The developer of this project has completely changed the plan for this site since they held a community meeting, and the new plan does not comply with the existing zoning. In addition, the developer apparently doesn't want to honor the compromises that we're committed to in the initial application. In short, this appears to be a bait-and-switch to get one plan approved and then "amend" that plan with something completely different.

I am opposed to this new plan due to the inappropriate scale of the proposed buildings compared to the existing homes and, in particular, the proposal of a gated development. Cooper-Young deserves appropriate infill, and this certainly isn't it.

Thank you,
Mark Morrison
1988 Young Ave
901-834-7777



Cooper-Young Community Association
2298 Young Ave
Memphis, TN 38104
901-272-2922
info@cooperyoung.org

March 31, 2021

TO: M/SC Land Use Control Board

RE: Case Number PD 2021-009 - COOPER-YOUNG: amendment to Tanglewood Place PD to allow multi-family uses

Land Use Control Board Members:

After consideration of the submitted application, the Cooper-Young Community Association Development Committee respectfully requests that the board vote to **REJECT** the application as the proposed project is not compatible with the surrounding land uses, unduly injures the use, value, and enjoyment of surrounding property, and unnecessarily requires modification of the district standards, as the applicant already has an approved PD for this property, which does comply with allowed land uses.

We believe this property would be improved by a development that makes use of good infill practices and supports the neighborhood which has surrounded 795 Tanglewood for over 100 years. However, **this project is NOT good infill development**. We are incredibly dismayed by the tactics of this applicant to throw out every compromise that was worked out in the first application and refuse to entertain keeping the agreed-upon conditions. These large box-like structures will be between 4,208 and 5,410 square feet, which means each structure in the PD will be more than four times the size of the existing homes on Elzey this development hugs, which are all single story and an average of 1,000 square feet. In fact, **the combined square footage of all four of these existing houses is smaller than the smallest structure they are proposing**, and they want to build FIVE.

We **strongly believe zoning should be enforced** and new construction should be appropriate for the neighborhood. The application as proposed does not contextually fit this street-block or Cooper-Young in general and moves from 11 single-family homes, which supported the established walkability in the neighborhood and promoted community buy-in, to a gated 20-unit apartment complex towering over the well-established historic homes on Elzey.

Ultimately, we believe this application should be rejected outright due to this bait and switch from the originally approved application in November, where the R-6 zoning usage was upheld. However, if the LUCB were to move forward with a vote in support, we would respectfully request the following conditions are attached to the application in order to try to minimize adverse effects on the neighborhood and the adjacent properties:

- The planned development shall not be gated
- The height of each structure shall be limited to 1.5 stories and consist of no more than 3 units
- Each house shall comply with UDC Contextual Infill Standards, such as requiring a porch at least 6' in depth, requiring a raised foundation of at least 18", front setbacks facing Elzey shall be located within the range of front setbacks on the street, street-facing garages and carports shall not be allowed
- Building setbacks shall comply with R-6 zoning
- Each "large home" structure shall look like a conventional single-family house in Cooper-Young with a functional street-facing entrance

continued on next page



Cooper-Young Community Association
2298 Young Ave
Memphis, TN 38104
901-272-2922
info@cooperyoung.org

- Streetscaping and landscaping shall be provided in accordance with the UDC
- Fencing and walls shall be subject to the Midtown District fencing standards
- Short-term rentals shall not be allowed
- The parking lot shall be screened
- Curbs and gutters shall be consistent with those found in Cooper-Young (valley curbs and gutters shall not be allowed)
- Any structure within the development that falls inside the Cooper-Young Historic Overlay District shall be reviewed by the M/SC Landmarks Commission to determine the appropriateness

Once again, **we respectfully ask you to reject this application.** Allowable land uses under existing zoning do not support "Large Homes" and are grossly inappropriate for Elzey and Cooper-Young as a whole. They already have an approved Planned Development which adheres to allowable land use and took into consideration the surrounding neighborhood. This "amendment" is a completely different and contextually unfit project, which throws out every morsel of any previous compromise with the community. Please reject this application and do not allow bad infill for the sake of infill. It is not worth it, and at the end of the day, they can still build 11 houses here.

Respectfully,

Cooper-Young Community Association Development Committee

Olivia Wall, Development Committee Chair and CYCA Secretary

I am writing in opposition to the revised plans presented in PD 20-13. This sort of development does not fit into the historic nature of Cooper Young. Additionally, the idea of a gated community does not fit with our very walkable neighborhood.

The developers also didn't seem open to any neighborhood input in their recent neighborhood meeting.

Again, I am opposed to this revised development presented in PD 20-13.

Thank you

Lydia Melton
1869 Evelyn Ave
Memphis, TN 38114

To the Land Use Control Board Members

I am writing In regards to the application for the amendment to "Tanglewood Place" in Cooper-Young. I urge you to REJECT this application as it would mar our community with bad infill. Last year, this body approved a previous application by this developer for 11 new houses on this site. Ultimately, the neighborhood was weary of this project but OPD Staff did a fantastic job at listening to the community by adding conditions that would improve the project by making the area connect uniformly to our already walkable neighborhood by adding native landscaping, not allowing a gated development, and by setting height restrictions on the homes to contextually fit within the streetblock of the pre-existing streetscape.

This new amended application is the complete opposite of anything the neighborhood and staff worked out previously. This application is so different that it shouldn't even be considered as an "amendment." Further, now the developers are fighting against the previous conditions set forth that made the development quasi-palatable. I just discovered during the neighborhood meeting earlier this week that the developer now plans to gate the community as they want to forbid outsiders from parking on their property. They were incredibly dismissive of any notion to limit height to 1.5 stories to better fit contextually as it "wasn't functional." Clearly the developer has no interest in working with the neighborhood or attempting to fit within the established urban landscape.

Although this amendment is being presented as less dense; it is not. In fact it is increasing 11 single family homes to 20 apartment units. This amendment completely throws away any possible positive contribution to the neighborhood by replacing landscaped streets with concrete and pavement and dismissing the currently allowed land use. Let them build the originally approved project, but please do not support this amendment; it is detrimental to Cooper-Young and Midtown as a whole.

Thank you.
Patrick Durkin
935 Bruce Street

April 1, 2021

Land Use Control Board Members:

Please REJECT this application. This applicant has an approved PD for the property which does comply with allowed land uses. As a resident of 1973 Evelyn for 33 years I have seen a lot of changes in Cooper Young and I support good infill development, but this is not it. Please reject this drastic amendment to the approved PD.

Emily Bishop

**CITY OF MEMPHIS
COUNCIL AGENDA CHECK OFF SHEET**

ONE ORIGINAL
ONLY STAPLED
TO DOCUMENTS

**Planning & Development
DIVISION**

Planning & Zoning COMMITTEE: 16 March 2021
DATE

PUBLIC SESSION: 16 March 2021
DATE

ITEM (CHECK ONE)

☐ ORDINANCE ☐ CONDEMNATIONS ☐ GRANT ACCEPTANCE / AMENDMENT
☒ RESOLUTION ☐ GRANT APPLICATION ☐ REQUEST FOR PUBLIC HEARING
☐ OTHER: _____

ITEM DESCRIPTION: A resolution approving a special use permit for used vehicle sales

CASE NUMBER: SUP 20-16

DEVELOPMENT: Used vehicle sales

LOCATION: 2906 Old Austin Peay Highway

COUNCIL DISTRICTS: District 1 and Super District 9

OWNER/APPLICANT: Fredrick Sengstacke of the Octopus Group, Inc.

EXISTING ZONING: Commercial Mixed Use – 3

REQUEST: Special use permit for vehicle sales

AREA: 0.27 acres

RECOMMENDATION: The Division of Planning and Development recommended:
The Land Use Control Board recommended:

Rejection
Approval with conditions

RECOMMENDED COUNCIL ACTION: **Public Hearing Not Required**

PRIOR ACTION ON ITEM:

(1) _____ APPROVAL - (1) APPROVED (2) DENIED
11 February 2021 _____ DATE
(1) Land Use Control Board _____ ORGANIZATION - (1) BOARD / COMMISSION
(2) GOV'T. ENTITY (3) COUNCIL COMMITTEE

FUNDING:

(2) _____ REQUIRES CITY EXPENDITURE - (1) YES (2) NO
\$ _____ AMOUNT OF EXPENDITURE
\$ _____ REVENUE TO BE RECEIVED

SOURCE AND AMOUNT OF FUNDS

\$ _____ OPERATING BUDGET
\$ _____ CIP PROJECT # _____
\$ _____ FEDERAL/STATE/OTHER

ADMINISTRATIVE APPROVAL:

DATE

POSITION

_____	_____	MUNICIPAL PLANNER
_____	_____	DEPUTY ADMINISTRATOR
_____	_____	ADMINISTRATOR
_____	_____	DIRECTOR (JOINT APPROVAL)
_____	_____	COMPTROLLER
_____	_____	FINANCE DIRECTOR
_____	_____	CITY ATTORNEY

CHIEF ADMINISTRATIVE OFFICER

COMMITTEE CHAIRMAN



Memphis City Council Summary Sheet

SUP 20-16

Resolution requesting a special use permit for used vehicle sales:

- This item is a resolution for a special use permit to permit the above, with conditions;
- The Division of Planning & Development sponsors this resolution at the request of the Owner/Applicant: Fredrick Sengstacke of the Octopus Group, Inc.;
- Approval of this special use permit will be reflected on the Memphis and Shelby County Zoning Atlas; and
- The item may require future public improvement contracts.

**RESOLUTION APPROVING A SPECIAL USE PERMIT FOR USED VEHICLE SALES AT
2906 OLD AUSTIN PEAY HIGHWAY, KNOWN AS CASE NUMBER SUP 20-16.**

WHEREAS, Chapter 9.6 of the Memphis and Shelby County Unified Development Code, being a section of the Joint Ordinance Resolution No. 5367, dated August 10, 2010, authorizes the Council of the City of Memphis to grant a special use permit for certain stated purposes in the various zoning districts; and

WHEREAS, Fredrick Sengstacke of the Octopus Group, Inc., filed an application with the Memphis and Shelby County Division of Planning and Development requesting a special use permit for vehicle sales; and

WHEREAS, the Division of Planning and Development has received and reviewed the application in accordance with the procedures, objectives, and standards for special use permits as set forth in Chapter 9.6 with regard to the proposed development's impacts upon surrounding properties, availability of public facilities, both external and internal circulation, land use compatibility, and compatibility of the design and amenities with the public interest; and has submitted its findings and recommendation concerning the above considerations to the Memphis and Shelby County Land Use Control Board; and

WHEREAS, a public hearing in relation thereto was held before the Memphis and Shelby County Land Use Control Board on February 11, 2021, and said Board has submitted its recommendation concerning the above considerations to the Council of the City of Memphis; and

WHEREAS, the Council of the City of Memphis has reviewed the aforementioned application pursuant to Tennessee Code Annotated Section 13-4-202(B)(2)(B)(iii) and has determined that said development is consistent with the Memphis 3.0 General Plan; and

WHEREAS, the Council of the City of Memphis has reviewed the recommendation of the Land Use Control Board and the report and recommendation of the Division of Planning and Development and has determined that said development meets the objectives, standards, and criteria for a special use permit, and that said development is consistent with the public interests.

NOW, THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE CITY OF MEMPHIS, that, pursuant to Chapter 9.6 of the Memphis and Shelby County Unified Development Code, a special use permit is hereby granted for the requested use in accordance with the attached conditions.

BE IT FURTHER RESOLVED, that this permit merely authorizes the filing of applications to acquire a Certificate of Occupancy, a Building Permit, and/or other required permits and approvals, provided that no such Certificate of Occupancy shall be granted until all conditions imposed by the Council of the City of Memphis have been met.

BE IT FURTHER RESOLVED, that this Resolution take effect from and after the date it shall have been passed by this Council of the City of Memphis, and become effective as otherwise provided by law, and thereafter shall be treated as in full force and effect by virtue of passage thereof by the Council of the City of Memphis, the public welfare requiring same.

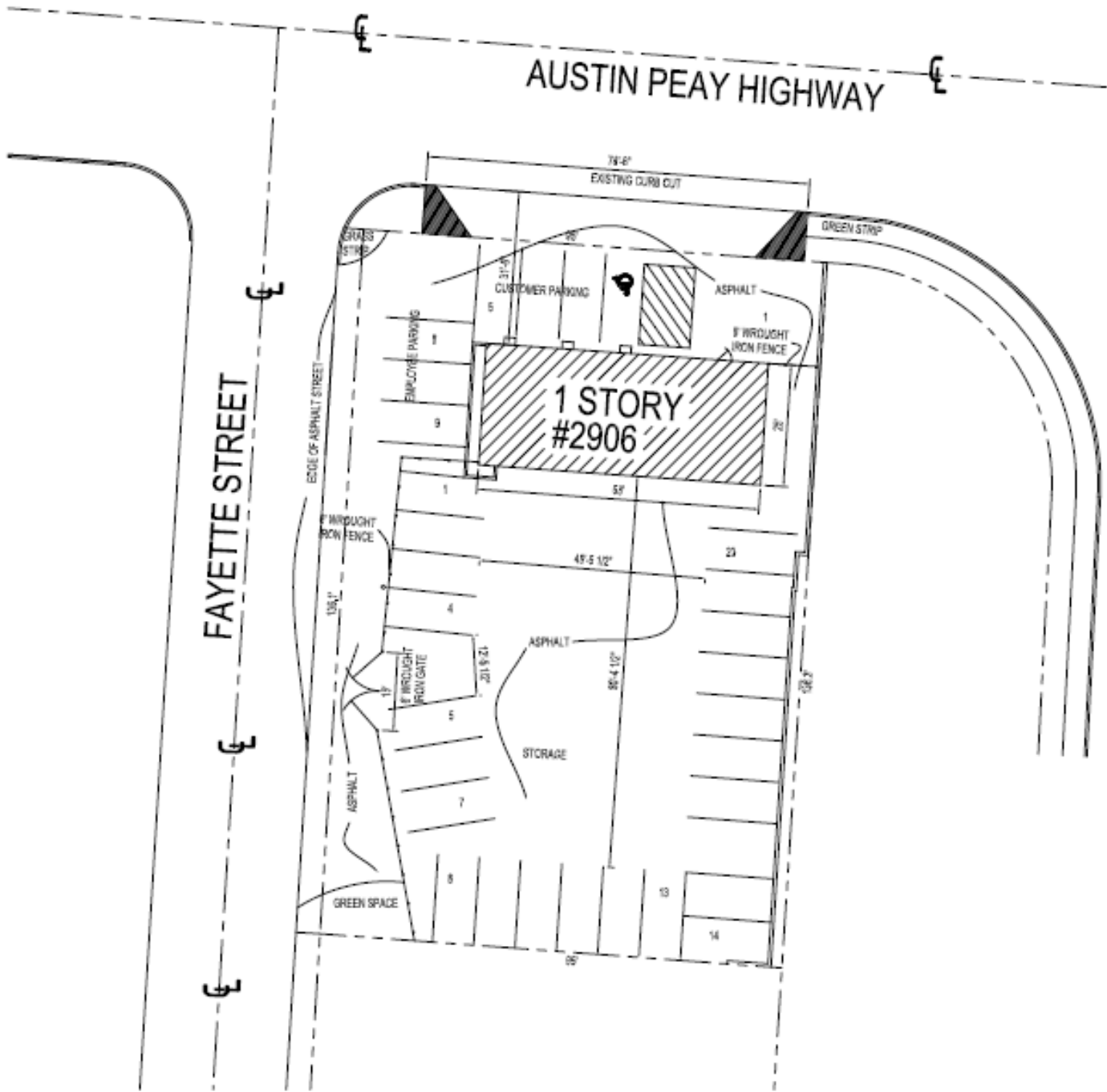
CONDITIONS

1. A modified streetscape plate – consisting of curb, gutter, landscaping, and sidewalk – shall be installed on both frontages, subject to administrative approval.
2. A revised plan set shall be submitted, subject to administrative approval, demonstrating compliance with the Unified Development Code and the first condition.

ATTEST:

CC: Division of Planning and Development
– **Land Use and Development Services**
– **Construction Enforcement**

PRELIMINARY SITE PLAN



LAND USE CONTROL BOARD RECOMMENDATION

At its regular meeting on **Thursday 11 February 2021**, the Memphis and Shelby County Land Use Control Board held a public hearing on the following application:

CASE NUMBER:	SUP 20-16
LOCATION:	2906 Old Austin Peay Highway
COUNCIL DISTRICTS:	District 1 and Super District 9
OWNER/APPLICANT:	Fredrick Sengstacke of the Octopus Group, Inc.
REQUEST:	Special use permit for vehicle sales
EXISTING ZONING:	Commercial Mixed Use – 3
AREA:	0.27 acres

The following spoke in support of the application: Fredrick Sengstacke and Jeff Nickelberry

The following spoke in opposition the application: None

The Land Use Control Board reviewed the application and the staff report. A motion was made and seconded to recommend approval with the following conditions:

1. A modified streetscape plate – consisting of curb, gutter, landscaping, and sidewalk – shall be installed on both frontages, subject to administrative approval.
2. A revised plan set shall be submitted, subject to administrative approval, demonstrating compliance with the Unified Development Code and the first condition.

The motion *passed* by a vote of 9-1.

AGENDA ITEM: 8

CASE NUMBER: SUP 20-16

L.U.C.B. MEETING: 11 February 2021

LOCATION: 2906 Old Austin Peay Highway

COUNCIL DISTRICT: District 1 and Super District 9

OWNER: Octopus Group, Inc.

APPLICANT: Fredrick Sengstacke

REQUEST: Special use permit for vehicle sales

AREA: 0.27 acres

EXISTING ZONING: Commercial Mixed Use – 3

CONCLUSIONS (p. 12)

1. Fredrick Sengstacke of the Octopus Group, Inc., has requested a special use permit for used vehicle sales at 2906 Old Austin Peay Highway.
2. This parcel is within the James Road / Old Raleigh anchor neighborhood – in the heart of historic Raleigh. It is at the northeast corner of Fayette Road and Old Austin Peay Highway, both of which are local streets.
3. Adjacent uses include the Raleigh Feed Store to its east as well several office buildings along Stage Road.
4. Used vehicle sales – often associated with crime, traffic, and unaesthetic outdoor storage – may have an adverse impact on both types of neighboring uses.
5. Staff finds that the proposal fails to meet the special use permit criteria and is inconsistent with the Memphis 3.0 General Plan.

INCONSISTENT WITH MEMPHIS 3.0 (pp. 14-16)

1. The Memphis 3.0 General Plan states that this type of commercial use should be permitted in an anchor neighborhood only when sited on a major road – such as an arterial or connector – and when adjacent to similar uses. The proposal meets neither standard: it is on the corner of two local streets, and it is adjacent to office uses and a neighborhood-oriented retail store.
2. Moreover, the Plan calls for a municipal effort to “nurture” this area. Used vehicle sales may be detrimental to that goal.

RECOMMENDATION (p. 12)

Rejection

GENERAL INFORMATION

Street Frontage:	Old Austin Peay Highway	(local street)	88 linear feet
	Fayette Road	(local street)	134 linear feet
Zoning Atlas Page:	1840		
Parcel ID:	088001 00008		
Existing Zoning:	Commercial Mixed Use – 3		

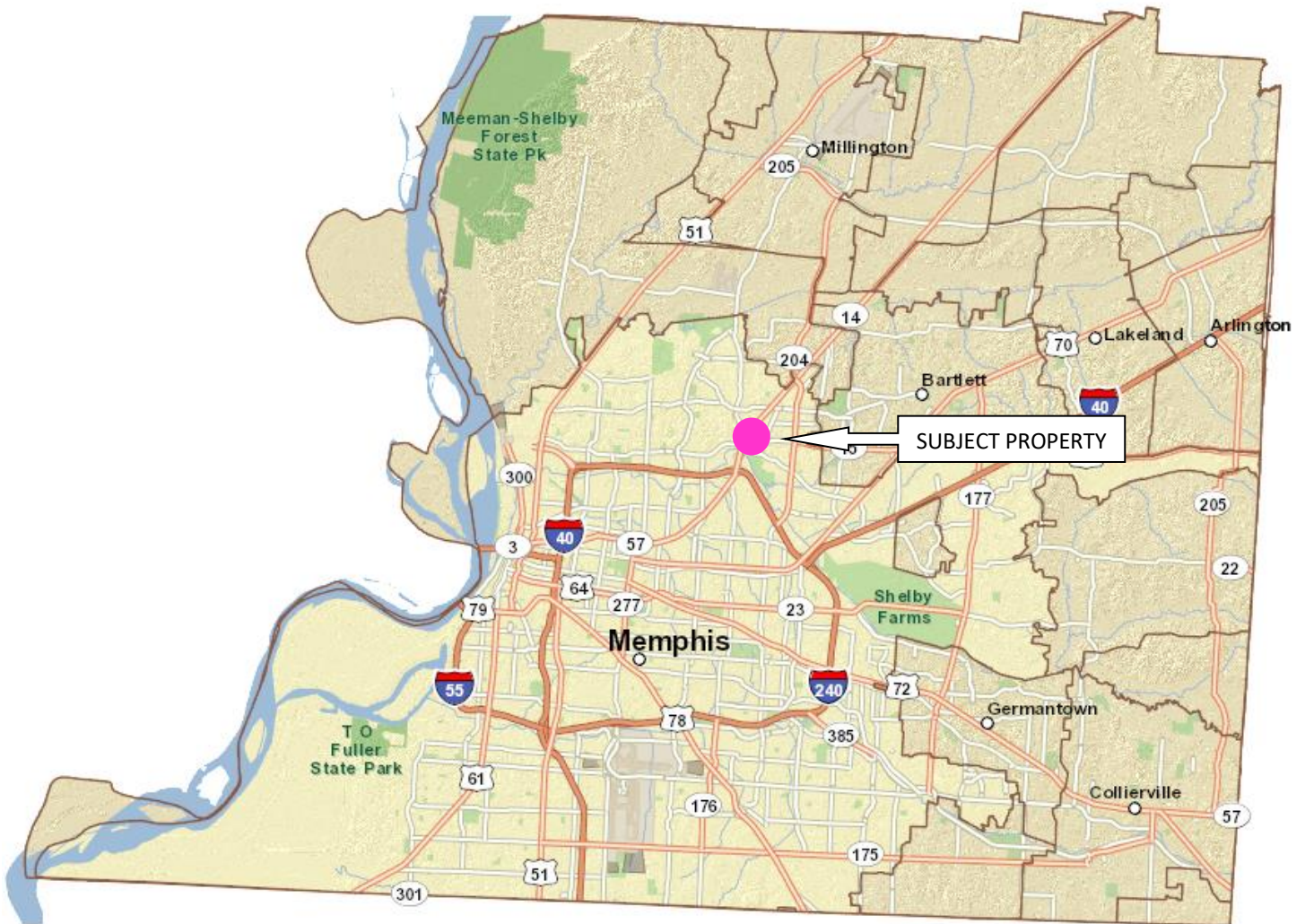
NEIGHBORHOOD MEETING

The required neighborhood meeting was held at 6 p.m. on 22 January 2021 via Zoom.

PUBLIC NOTICE

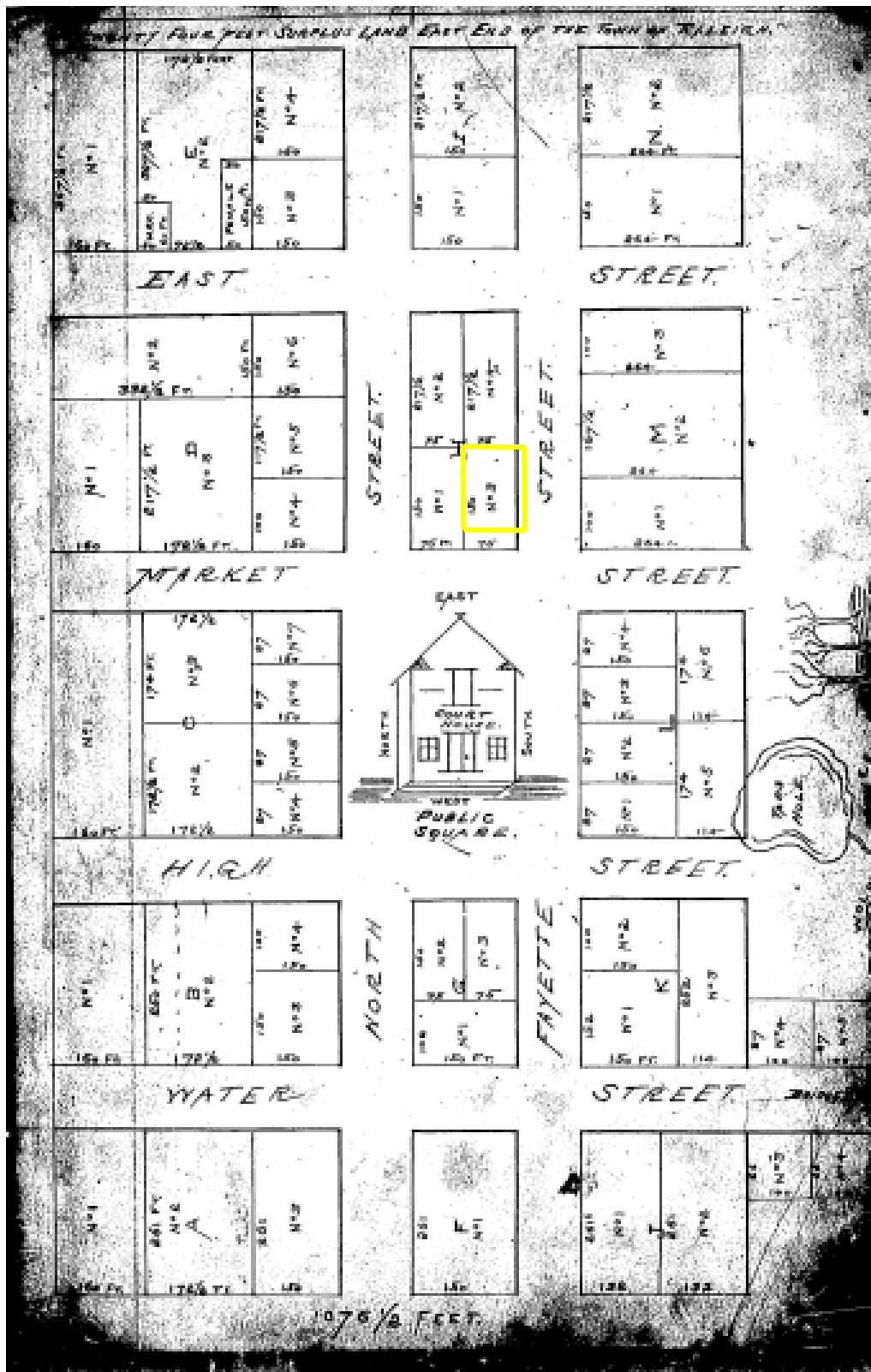
In accordance with Sub-Section 9.3.4A of the Unified Development Code, notices of public hearing are required to be mailed and signs posted. A total of 36 notices were mailed on 27 January 2021, and a total of two signs posted at the subject property. The sign affidavit has been added to this report.

LOCATION MAP



Subject property located in Raleigh neighborhood

PLAN OF RALEIGH (1838)

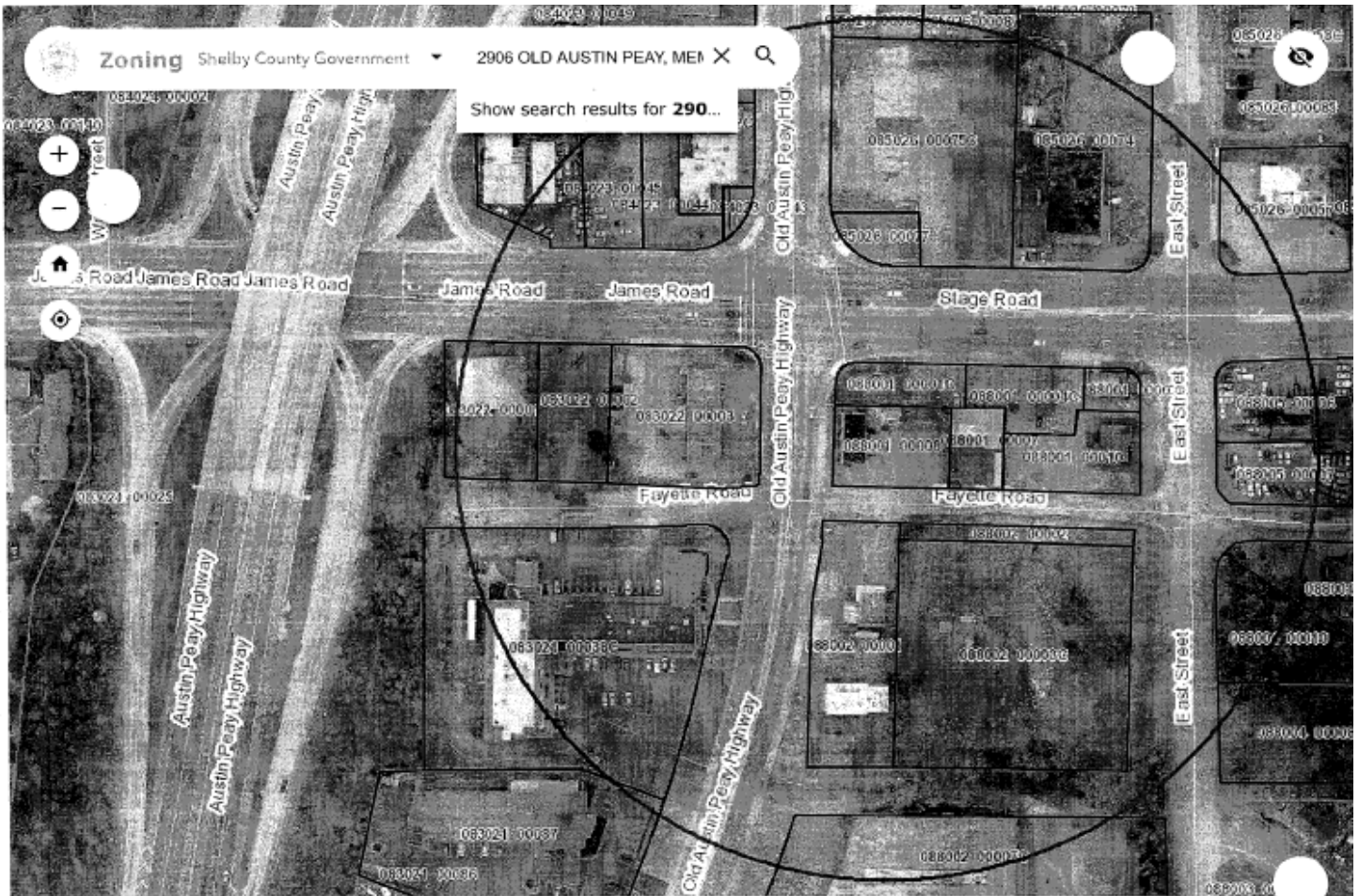


North is to the left.

The subject parcel is exempt from the subdivision requirement per Instrument # P1 1257.

Boundaries of subject property – part of Lot 3 of Block H of the Plan of Raleigh – are approximated in yellow. Note the property's prominent location on the square. Market St. has since become (Old) Austin Peay Highway.

VICINITY MAP



Although the 500-foot radius within the applicant-generated vicinity map was measured from a single point, rather than from the edges of the property as required, staff supplemented the notice of public hearing mailing labels to include several additional property owners.

AERIAL PHOTOGRAPH WITH ZONING



The subject property is within a regional commercial district.

Existing Zoning: Commercial Mixed Use – 3

Surrounding Zoning

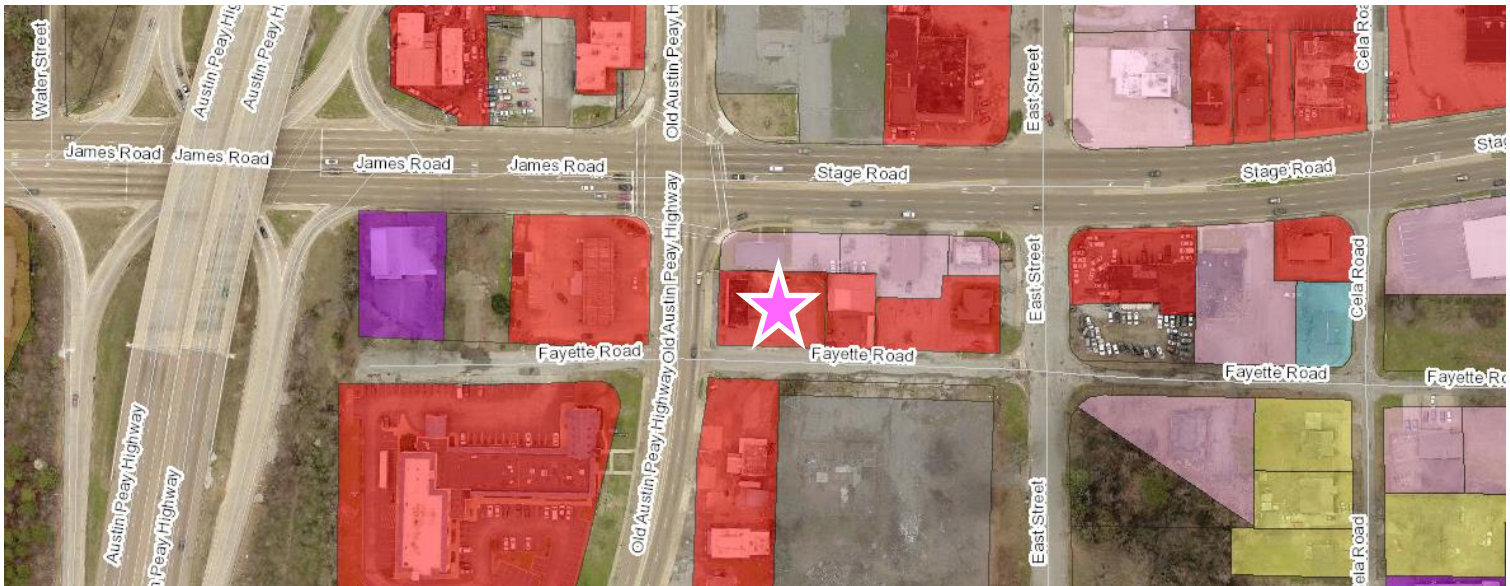
North: Commercial Mixed Use – 3

East: Commercial Mixed Use – 3

South: Commercial Mixed Use – 3

West: Commercial Mixed Use – 3

LAND USE MAP



SITE PHOTOS



Two views of primary façade of structure from Old Austin Peay

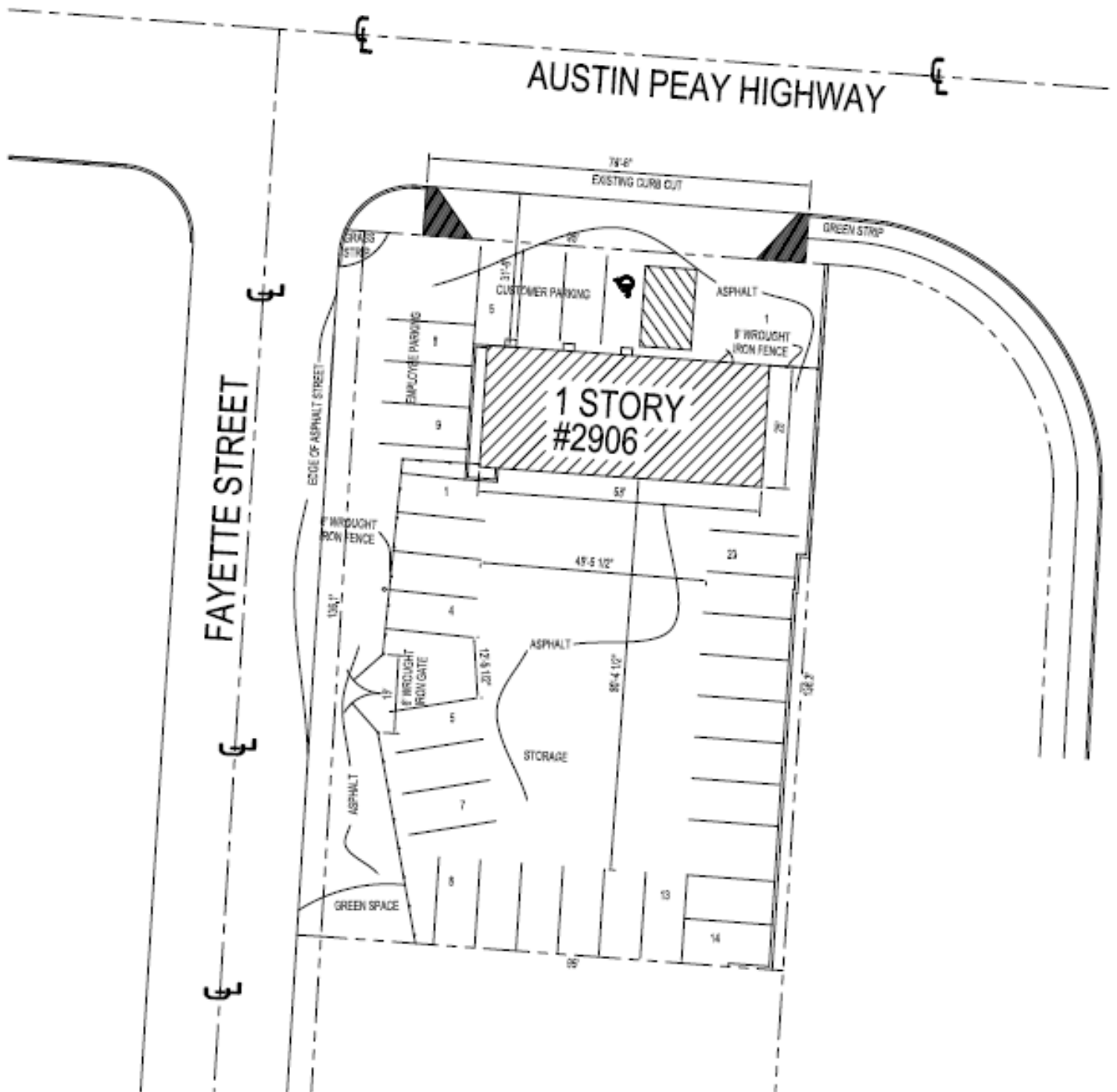


View west down Old Austin Peay



View north down Fayette

PROPOSED SITE PLAN



STAFF ANALYSIS

Request

The request is for a special use permit for used vehicle sales.

The application and letter of intent have been added to this report.

Approval Criteria

Staff **disagrees** the approval criteria regarding special use permits as set out in Section 9.6.9 of the Unified Development Code are met.

9.6.9 Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

- 9.6.9A The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare.*
- 9.6.9B The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations.*
- 9.6.9C The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services.*
- 9.6.9D The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance.*
- 9.6.9E The project complies with all additional standards imposed on it by any particular provisions authorizing such use.*
- 9.6.9F The request will not adversely affect any plans to be considered (see Chapter 1.9), or violate the character of existing standards for development of the adjacent properties.*
- 9.6.9G The governing bodies may impose conditions to minimize adverse effects on the neighborhood or on public facilities, and to insure compatibility of the proposed development with surrounding properties, uses, and the purpose and intent of this development code.*
- 9.6.9H Any decision to deny a special use permit request to place, construct, or modify personal wireless service facilities shall be in writing and supported by substantial evidence contained in a written record, per the Telecommunications Act of 1996, 47 USC 332(c)(7)(B)(iii). The review body may not take into account any environmental or health concerns.*

Site Description

The subject site is a 0.27-acre rectangular parcel with 88 feet of frontage on Old Austin Peay Highway and 134 feet of frontage on Fayette Road. Both are local streets. Both frontages lack curbs (excepting the radial corner) and have overhead utilities. It is, in part, part of Lot 3 of Block H of the Plan of Raleigh of 1838. The parcel contains a B-grade vehicle service garage built in 1978 with an area of 1450 square feet. The applicant recently installed a wall sign, erected fencing, laid asphalt, and striped parking, in anticipation of opening the vehicle sales establishment. The wall sign was permitted; however the other actions were largely undertaken without the appropriate municipal approvals and permits.

Site Zoning History

In 1981, the Memphis and Shelby County Board of Adjustment approved a variance (docket # BOA 81-199) to permit an addition to the subject structure within the front setback.

Site Plan Review

- The dimensions of the site plan do not match the dimensions of the deed.
- A floor plan demonstrating a minimum of 288 square feet of office space as well as functioning restroom facilities shall be provided.
- A minimum of 15 spaces shall be delineated for sales and three spaces for customers and employees.
- The site's nonconforming curb cuts shall be brought into conformance with the City Engineer's standards. The site will be permitted only one curb cut, to be located on Fayette. This change will affect the parking layout, precluding the nose-in parking spaces currently proposed.
- A full site plan review will take place if approved by City Council, as conditioned.

Conclusions

Fredrick Sengstacke of the Octopus Group, Inc., has requested a special use permit for used vehicle sales at 2906 Old Austin Peay Highway.

This parcel is within the James Road / Old Raleigh anchor neighborhood – in the heart of historic Raleigh. It is at the northeast corner of Fayette Road and Old Austin Peay Highway, both of which are local streets.

Adjacent uses include the Raleigh Feed Store to its east as well several office buildings along Stage Road. Used vehicle sales – often associated with crime, traffic, and unaesthetic outdoor storage – may have an adverse impact on both types of neighboring uses.

The Memphis 3.0 General Plan states that this type of commercial use should be permitted in an anchor neighborhood only when sited on a major road – such as an arterial or connector – and when adjacent to similar uses. The proposal meets neither standard: it is on the corner of two local streets, and it is adjacent to office uses and a neighborhood-oriented retail store.

Moreover, the Plan calls for a municipal effort to “nurture” this area. Used vehicle sales may be detrimental to that goal.

Staff finds that the proposal fails to meet the special use permit criteria and is inconsistent with the Memphis 3.0 General Plan.

RECOMMENDATION

Staff recommends *rejection*.

However, if approved, staff recommends the following conditions:

1. A modified streetscape plate – consisting of curb, gutter, landscaping, and sidewalk – shall be installed on both frontages, subject to administrative approval.
2. A revised plan set shall be submitted, subject to administrative approval, demonstrating compliance with the Unified Development Code and the first condition.

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Standard Subdivision Contract or Street Cut Permit as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available to serve this development.
3. All sewer connections must be designed and installed by the developer. This service is no longer offered by the Public Works Division.

Roads:

4. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
5. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards.

Traffic Control Provisions:

6. The developer shall provide a traffic control plan to the city engineer that shows the phasing for each street frontage during demolition and construction of curb gutter and sidewalk. Upon completion of sidewalk and curb and gutter improvements, a minimum 5 foot wide pedestrian pathway shall be provided throughout the remainder of the project. In the event that the existing right of way width does not allow for a 5 foot clear pedestrian path, an exception may be considered.
7. Any closure of the right of way shall be time limited to the active demolition and construction of sidewalks and curb and gutter. Continuous unwarranted closure of the right of way shall not be allowed for the duration of the project. The developer shall provide on the traffic control plan, the time needed per phase to complete that portion of the work. Time limits will begin on the day of closure and will be monitored by the Engineering construction inspectors on the job.
8. The developer's engineer shall submit a Trip Generation Report that documents the proposed land use, scope and anticipated traffic demand associated with the proposed development. A detailed Traffic Impact Study will be required when the accepted Trip Generation Report indicates that the number for projected trips meets or exceeds the criteria listed in Section 210-Traffic Impact Policy for Land Development of the City of Memphis Division of Engineering Design and Policy Review Manual. Any required Traffic Impact Study will need to be formally approved by the City of Memphis, Traffic Engineering Department.

Curb Cuts/Access:

9. The City Engineer shall approve the design, number and location of curb cuts. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

10. The existing nonconforming curb cut on Old Austin Peay shall be closed with curb, gutter and sidewalk. All access to this site shall be via Fayette Road.

Department of Comprehensive Planning:

Land Use Designation (see page 82 for details): Anchor Neighborhood – Mix of Building Types

Based on the Future Land Use Planning Map, the proposal is INCONSISTENT with the Memphis 3.0 Comprehensive Plan.

The following information about the land use designation can be found on pages 76 – 122:

1. FUTURE LAND USE PLANNING MAP



The red box indicates the application site on the Future Land Use Map.

2. Land use description & applicability:

Mix of building types Anchor Neighborhoods are a combination of one to three-story house-scale buildings with building scale large home and apartments up to four stories close to anchors and along corridors. AN-M neighborhoods are a mix of attached, semi-detached, and detached residential, all located within a 10-minute walk from the anchor destination. Any mixed-use is along corridors, allowing shopping destinations to connect between mixed-used and residential neighborhoods. See graphic portrayal to the right.



“AN-M” Goals/Objectives:

Preservation, stabilization, and/or intensification of neighborhoods, focusing investment toward areas that support plan goals and objectives, locating housing near services, jobs, transit, building up not out.

“AN-M” Form & Location Characteristics:

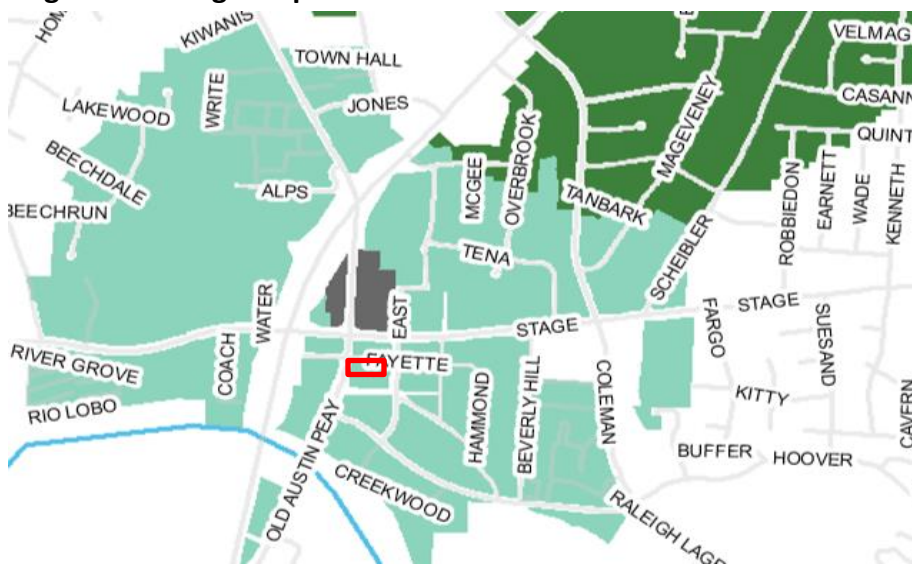
The parcel is located within a Nurture Anchor. Primarily, detached, single-family residences. Attached single-family, duplexes, triplexes, and quadplexes permitted on parcels within 100 feet of an anchor and at intersections where the presence of such housing type currently exists. Other housing and commercial types along avenues, boulevards and parkways as identified in the Street Types Map where same types exist on two or more adjacent parcels. Building height is one to three stories and buildings are house-scale.

The proposed use does not meet the criteria because it is an auto-oriented commercial use that is located on two local streets, and is adjacent to only one commercial parcel.

3. Existing, Adjacent Land Use and Zoning

The subject site is surrounded by the following land use: Commercial and Office. The subject site is surrounded by the following zoning districts: CMU-3. The requested land use is incompatible with these adjacent land uses because *used vehicle sales may have an adverse impact on adjacent office and retail uses.*

4. Degree of Change map



The degree of change for the parcels is Nurture. The site is indicated by the red box in the Degree of Change Map above.

5. Degree of Change Descriptions

Nurture areas rely primarily on public and philanthropic resources to stabilize the existing pattern of a place.

Actions for Nurture anchors and anchor neighborhoods are meant to:

- Stabilize the community
- Protect and support community assets
- Protect and stabilize existing affordable housing
- Promote activities that will stimulate market activity

Ways to Nurture:

- "Road diets" — reduce the number of lanes to make room for wider sidewalks, bike lanes, and/or on-street parking
- Improve pedestrian realm (sidewalks, crosswalks, planting buffer and street trees, street lights, street furniture)
- Repurpose vacant land as temporary civic space
- Grants for small business frontage improvement

- Reduce number of curb cuts to improve pedestrian and cyclist safety (access management)
- Enhance connectivity to transit network
- Introduce or improve bike lanes and sidewalks
- Improve public access points (covered bus stops, benches)
- Improve public services (trash cleanup and collection)
- Control scale and frequency of signage
- Plan community programs on streets or vacant lots (markets, festivals)
- Upgrade infrastructure to improve flood control and internet access
- Improve existing parks and civic buildings and spaces
- Allow increased density and building height
- Allow a broader mix of uses

Based on the information provided, the proposal is **INCONSISTENT** with the Memphis 3.0 Comprehensive Plan.

Summary Compiled by: Melanie Batke and Brett Davis

City Fire Division:	No comments received.
City Real Estate:	No comments received.
County Health Department:	No comments received.
Shelby County Schools:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	No comments received.
Dept. of Sustainability and Resilience:	No comments received.

APPLICATION



Memphis and Shelby County
Office of Planning and Development
CITY HALL 125 NORTH MAIN STREET-SUITE 477 MEMPHIS, TENNESSEE 38103-2064 (901) 634-6619

APPLICATION FOR SPECIAL USE PERMIT
APPROVAL/AMENDMENT

Date: 12/01/2020

Case #: _____

PLEASE TYPE OR PRINT

Property Owner of Record: The Octopus Group Inc Phone #: 901-674-0837
Mailing Address: 1138 N Germantown Pkwy Ste 101 City/State: Cordova, TN Zip 38018
Property Owner E-Mail Address: fasengstacke@yahoo.com
Applicant: Fredrick Sengstacke Phone # 901-674-0837
Mailing Address: 9375 Zachariah Cv. City/State: Bartlett, TN Zip 38133
Applicant E-Mail Address: fasengstacke@yahoo.com
Representative: Fredrick Sengstacke Phone #: _____
Mailing Address: 9375 Zachariah Cv. City/State: Bartlett, TN Zip 38133
Representative E-Mail Address: fasengstacke@yahoo.com
Engineer/Surveyor: _____ Phone # _____
Mailing Address: _____ City/State: _____ Zip _____
Engineer/Surveyor E-Mail Address: _____
Street Address Location: 2906 Old Austin Peay Memphis, TN 38128
Distance to nearest intersecting street: James and Old Austin Peay

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>0.296</u>	_____	_____
Existing Zoning:	<u>Commercial</u>	_____	_____
Existing Use of Property	<u>Service garage</u>	_____	_____
Requested Use of Property	<u>Car Lot</u>	_____	_____

Amendment(s): Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.

Yes _____ No _____

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: _____ Bedrooms: _____

Expected Appraised Value per Unit: _____ or Total Project: _____

Variances: If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.

	12/1/2020		12/1/2020
Property Owner of Record	Date	Applicant	Date

REQUIREMENTS PRIOR TO APPLICATION SUBMISSION

PRE-APPLICATION CONFERENCE - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD.

Pre-Application Conference held on: _____ with _____

NEIGHBORHOOD MEETING - At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2). The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

Neighborhood Meeting Requirement Met: Yes _____ Not yet X
(If yes, documentation must be included with application materials)

SIGN POSTING - A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).
No it will not
- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).
Yes it will
- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).
Yes it will
- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).
No it will not
- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).
Yes it does
- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).
No it will not

LETTER OF INTENT

Letter of Intent

December 2, 2020

Fredrick Sengstacke
2906 Old Austin Peay
Memphis, TN 38127
901-425-8706
fsengstacke@yahoo.com

To Whom This May Concern:

I am writing and submitting to you this letter of intent to rezone the property located at 2906 Old Austin Peay Memphis, TN 38128 along with its inventory and all other assets. We also confirm that effective this 2nd of December of the year 2020 this site will serve for general use as a used car lot and all conditions regarding this location shall take effect in compliance with Shelby County in the state of Tennessee.

There will be no changes to the building regarding consultants associated with any type of development.

There will be no changes of scope of work to be undertaken pursuant to this letter because the original structure will not be changed.

I acknowledge that I am fully responsible for all work performed and shall comply with the adopted codes of Shelby County, TN. This letter of intent shall be filed with the application dated December 2, 2020.

Signature



Date

12 / 2 / 2020

SIGN AFFIDAVIT

AFFIDAVIT

Shelby County
State of Tennessee

I, Fredrick Sengstacke, being duly sworn, depose and say that at 5 p.m./pm on the 29 day of December, 20020, I posted a Public Notice Sign(s) pertaining to Case No. SUP 2020-007 at 2906 Old Auatin Peay (address) providing notice of a Public Hearing before the X Land Use Control Board, X Memphis City Council, Shelby County Board of Commissioners for consideration of a proposed Land Use Action (Planned Development, X Special Use Permit, Use Variance, Zoning District Map Amendment), a photograph of said sign(s) being attached hereon and a copy of the sign purchase receipt or rental contract attached hereto.

[Signature]
Owner, Applicant or Representative

12/31/2020

Date

Subscribed and sworn to before me this 31 day of December, 20020.

[Signature]
Notary Public

My commission expires: 2/25/2024



LETTERS RECEIVED

No letters received at the time of completion of this report.

229 N Montgomery St, Queen Anne Style, 1890

Memphis Tech High, William R. Moore School of Technology, and the Sears Roebuck & Co. building were all responses to the residential housing development that had grown around the Crosstown neighborhood between 1890-1923. Some of the earliest houses in the neighborhood that have not been demolished, besides the Van Fleet Mansion, and the Montgomery Mansion, include a Queen Anne style home built in 1890 at 299 N Montgomery St. and a 1887 Arts & Crafts style home at the south-west corner of Poplar Avenue Montgomery Street.



As well as many other architectural beauties, such as 1234 Poplar Avenue (built in 1900); 299 Montgomery St (built in 1900), a classic foursquare with siding; 314 N Claybrook St (built in 1900), an Arts & Crafts style design; and, 1174 Poplar Avenue (built in 1909), a foursquare style home with large front porch, smooth stucco finish, and round arching windows

A majority of the homes in the neighborhood were later constructed between 1910-1912 and 1920-1923. These homes consist of a mixture of bungalow, airplane bungalow, foursquare, one mission revival, and craftsmen.

In April of 1944, a B25 bomber crashed into the neighborhood, at the corner of Poplar Avenue and Cleveland Street. The aircraft smashed into a two-story home at 222 North Claybrook behind what was then a bowling alley. In the days that followed, more than 20,000 Memphians visited the crash site, and the Army brought in MPs to control the crowds. Although seven lives were lost, everyone breathed a sigh of relief that the plane had somehow missed Memphis Tech High, the Southern Bowling Lanes, Sears Crosstown, and dozens of nearby businesses that would have made the death toll much higher. Lots at the corner of Claybrook and Williams Field Avenue, to the north and south remain vacant lots to this day.

Then in the late 1960s the neighborhood was wounded by the intrusion of the interstate highway construction that eliminated Lewis St. to the west and took out over 65